



March 29, 2023

Laura Hilden
Director of Environmental Services
Indiana Department of Transportation
100 N. Senate Ave. IGCN 758-ES
Indianapolis, IN 46204

Re: **Finding of No Significant Impact (FONSI) Request Packet**
Hively Avenue Overpass, Elkhart County, Indiana
Des. No. 1801933

Dear Ms. Hilden,

Pursuant to 40 CFR, Part 1500.4(q) and paragraph 5 of the Department of Transportation (DOT) Order 5610.1C implementing the National Environmental Policy Act (NEPA) of 1969, Michael Baker International, Inc. (Michael Baker) is requesting review of the enclosed Finding of No Significant Impact (FONSI) request packet for the above referenced project. This information packet includes the following documentation:

- Attachment A – Approved Environmental Assessment (Text Only)
as released for public involvement
- Attachment B – Public Hearing Documentation
- Attachment C – Resource Agency Correspondence
- Attachment D – EJ Burdens & Benefits Analysis (minor updates)
- Attachment E – Project Modifications
- Attachment F – Phase II ESA Report
- Attachment G – Water Wells Location Exhibits
- Attachment H –Vibration Susceptibility Memorandum
- Attachment I – Project Commitments

Public Involvement

The approved Environmental Assessment (EA) was released for public involvement by the Federal Highway Administration (FHWA) on June 28, 2022 (Attachment A). The public comment period was from June 30, 2022 to July 31, 2022. During the public comment period, a formal public hearing was held.

A legal notice appeared in two local newspapers, the *Goshen News* on June 30, 2022 and July 7, 2022 and the *Elkhart Truth* on June 30, 2022 and July 7, 2022 (Attachment B2-B11). Due to the scope of the project, the legal notice indicated that a public hearing will be held in lieu of offering the opportunity to request a public hearing. The EA document and preliminary plans were placed at three repositories and available for mailing upon request, for viewing prior and after the hearing for public review and comment. The repository locations included the Zion Missionary Church, City of Elkhart Street Department, and the City of Elkhart's website.

A public hearing was held on July 14, 2022 at Zion Missionary Church and approximately 82 people attended. Members of the public who were in attendance were provided a welcome packet with project information and various displays with project information were available for viewing (these displays were also shown in the presentation). The presentation at the public hearing included information about the scope of the project, the anticipated schedule, and information for how the public could submit a formal comment to be included in the environmental document (Attachment B30). The established deadline for public comments was two weeks after the public hearing on July 31, 2022. A transcript of the public hearing is located in Attachment B68.

Twelve (12) public hearing comments, eight (8) verbal and four (4) written, were received prior to the deadline. One comment was made by the Fourth District City Councilman in the City of Elkhart stating he felt positive toward the project and would like to see it go forward and another comment stated general support of the project (Attachment B86).

Comments were received about truck traffic and the truck route (Attachment B86-B99). Hively Avenue, Main Street, and Sterling/Hammond Avenue are currently identified as a local truck routes. The project will add Warren Street to the truck route to allow connection from the realigned Hively Avenue to Sterling/Hammond Avenue. The current official truck route for the City of Elkhart is available on the City's website located here: [City of Elkhart Posted Truck Routes - City of Elkhart \(elkhartindiana.org\)](http://www.elkhartindiana.org/City-of-Elkhart-Posted-Truck-Routes).

A comment was received about the signalization at Warren Street, the potential of a roundabout, and controlling traffic (Attachment B96). The project team has not proposed a roundabout at the Warren Street location or any of the other intersections associated with the project. The City of Elkhart will monitor and adjust the new traffic signal to ensure queuing at the intersection is efficient for both the traveling public and the neighborhood. This has been added as a firm commitment.

A comment was received about the turn radius for trucks and trailers at Warren, Sterling, and Yuma (Attachment B91). The turn radius will be evaluated at Warren, Sterling, and Yuma to ensure 105 feet trucks are accommodated. This has been added as a firm commitment.

A comment was received on how much the Norfolk Southern Railway will be contributing to the Hively Avenue Overpass Project (Attachment B94 and B99). The railroad, in this case, Norfolk Southern, is required by law (federal and state) to contribute financially to the project. IC 8-6-3 Chapter 3: Division of Costs of Improvements to Railroad Grade Separations Sec. 1. (a) [\(IC 8-6-3-1\)](#) provides the statutory requirements. Whenever the separation of grades at the intersection of a railroad or railroads (as defined in [IC 8-3-1-2](#)) and a public street or highway is constructed, the railroad or railroads shall pay five (5) percent of the cost of the grade separation as provided in this chapter. The project team is working with Norfolk Southern to determine the final railroad cost contribution based on the approved design plans. Reference the project funding section for funding details.

A comment was received stating concern about vibration from heavy earth equipment that could potentially affect a home's foundation during construction (Attachment B93). There will be temporary increases in vibration during construction associated with equipment and activities related to building demolitions and site clearance, earth moving activities including grading and soil tamping, pile driving for bridge and structure foundations, and general roadway, drainage, sidewalk, and multiple use path construction and reconstruction that requires compaction and pavement rolling. The project will include

upgraded utilities, but prolonged disruption of utilities and Wi-Fi signals is not anticipated. A Vibration Susceptibility Memorandum was prepared for the project and provided recommendations. Reference Vibration Susceptibility section for details.

Comments were received about why there was not an option of putting an exit on the US 20 Bypass (Attachment B91, B95, B97). The project is a City of Elkhart project with the focus on local streets. The purpose is to improve mobility and safety while maintaining access and connectivity for all modes of transportation on local streets. Using US 20 as the grade separation would not achieve the goals of the project and does not meet the purpose and need. In addition, an interchange would have significant impacts. Therefore US 20 was not reviewed or evaluated as part of this project.

All public hearing comments and responses can be found in Attachment B85-B100.

Resource Agency Correspondence

On August 16, 2022, resource agencies were contacted regarding the availability of the EA for comment (Attachment C). The Indiana Department of Environmental Management (IDEM) responded on August 30, 2022 stating that the project is not located within a Wellhead Protection Area; however, the project is located within 40 feet of a Wellhead Protection Area (Attachment C4). The response also stated that the project is not located within a Source Water Assessment Area. IDEM provided the City of Elkhart Public Works and Utilities contact information. The City of Elkhart Public Works and Utilities was contacted during the early coordination of the project and no comment was received. The City of Elkhart has been involved throughout the project and included in decision making process.

The Indiana Department of Natural Resources (IDNR) responded on September 14, 2022 (Attachment C7). The IDNR letter was similar to the early coordination letter response dated June 19, 2019 included in the EA. The September 14, 2022 response stated “the proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile, unless it qualifies for a bridge exemption (see enclosure) or qualifies under the INDOT and IDNR Memorandum of Understanding (MOU) for Maintenance Activity Exemption, dated March 1997. Please include a copy of this letter with the permit application, if required.”

Due to the presence or potential presence of wetland habitat near the project site, IDNR recommends contacting and coordinating with the IDEM 401 program and the US Army Corps of Engineers (USACE) 404 program. Impacts to wetland habitat should be mitigated at the appropriate ratio according to the 1991 INDOT/IDNR/USFWS MOU. There are no water resources within the project area therefore, no impacts and no water resource permits are anticipated.

The Environmental Protection Agency (EPA) originally responded to early coordination on May 23, 2019 requesting additional project information related to the Sole Source Aquifer (SSA) Protection Program review and SSA MOU (July 27, 2021) for Indiana transportation projects located within the St. Joseph SSA. Continued coordination was conducted throughout the project with EPA and is included in the EA. The EPA requested review of the Phase II Environmental Site Assessment (ESA) Report once complete which was included in the firm environmental commitments of the project. INDOT Site Assessment and Management (SAM) concurred with the Phase II ESA Report on November 10, 2022 and it was then provided to the EPA. Reference Phase II ESA Section for a summary of the Phase II ESA Report. EPA

responded on November 23, 2022 with recommendations to be included in the FONSI and project commitments (Attachment C10).

Based on coordination, the EPA understands that 50-85-foot pile foundations are anticipated for the project. EPA suggests “that during the course of the work, appropriate safeguards and BMPs are in place to ensure that local ground water supplies and neighboring drinking water wells are not endangered. Again, such precautions should include notifying general contractors that the site is sensitive, using green-infrastructure practices where possible to reduce potential impacts of stormwater run-off, securing adequate precautions for fueling/servicing large equipment, and developing contingency plans to handle the release of any hazardous materials.” Water wells from the IDNR [Water Well Viewer\(arcgis.com\)](http://arcgis.com) as of 10/05/2022 will be identified on the project plans (Attachment G). However, it will be the contractor’s responsibility to perform field checks to identify any known/unknown water well locations within the project boundary so that trucks/equipment don’t damage the wells and so that contractors are aware of the potential conduits for contamination to the aquifer. The purpose is also to inspect wells both inside of and near the project boundary (within 0.25 miles) before, during, and after demolition to be sure that no unintended disturbance was caused.

The completed EPA review stated, “EPA Region 5 has completed review of the Phase II ESA and public comment period notes.” EPA concluded “EPA determines that this project is not likely to contaminate the St. Joseph SSA” (Attachment C10). Therefore, no impacts are anticipated, and EPA recommendations are included in the project commitments. Reference Sole Source Aquifer section for more details.

EJ Burdens & Benefits Analysis

The Environmental Justice (EJ) Burdens and Benefits Analysis was updated for the project with the latest graphics that were shown at the public hearing (Attachment D). The analysis remains the same that concluded the Preferred Alternative has disproportionately high and adverse effects, in the form of displacements and relocations, but the Preferred Alternative has the least adverse effect and overall project impacts while providing the most benefit. All the build alternatives developed and considered have similar displacement impacts. The Preferred Alternative also allows Hively Avenue to remain open for the majority of the construction duration which avoids and minimizes travel impacts, delays, and stress on adjacent business, and allows for vehicular mobility during construction; this is not the case with other build alternatives considered. The No Build Alternative would leave the Study Area in its current condition continuing an existing burden to EJ populations due to the lack of connectivity of existing facilities and an unsafe crossing for pedestrians and bicyclists with the railroad. The No Build provides no net benefit to the community as a whole or EJ populations.

The Preferred Alternative provides mitigation measures including the creation of dedicated green spaces (including a new pocket park), enhanced fully ADA compliant sidewalk including non-impacted sidewalk, wider sidewalk accommodations near Monger Elementary School, parking lot reconfiguration and improved access to El Rosal supermarket (minority business), improved ADA compliant flag bus stop, and improved connectivity to the MapleHeart Trail.

The Preferred Alternative also provides off-set benefits including improved EMS access and response times, improved safety for all modes of transportation including vehicles, pedestrians, bicyclists, and those with disabilities, improved micro air quality within the vicinity (reduced idling associated with traffic), improved community connectivity and access to resources including the Elkhart Environmental Center,

Monger Elementary, local businesses, green space and MapleHeart Trail, improved aesthetics, improved public health, and improved commercial vehicle access and reliability.

The edits to the document included replacing one old graphic with an updated graphic shown to the public at the public hearing (Attachment D50). There was no material change to the findings and conclusions of the EJ Burdens and Benefits Analysis.

Relocation Process

The acquisition and relocation program for the project will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (Uniform Act). Relocation resources are available to all residents and businesses to be relocated by the project without discrimination. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person. This is included as a firm commitment.

In an effort to ensure full and fair participation by all potentially affected individuals in the transportation decision making process, continued coordination with residents and businesses anticipated to be relocated by the project has occurred. Kitchen Table Meetings (KTM) were conducted with those anticipated to be relocated by the project to explain the relocation process and answer any questions. The KTM are summarized in the Conceptual Stage Relocation Study (CSRS) which is included in the EA documentation. Federal acquisition and relocation brochures were provided to residents and explained along with the right-of-way process during each KTM. Relocation entitlements were reviewed including, where applicable, how the housing differential payment and mortgage, interest, differential payments are determined. Accommodations have been made and documented to address concerns raised by tenants and homeowners. During the KTM one homeowner and one business owner had family members present to aid in translation. These family members will likely be present in future meetings; however, if requested a translator will be provided. One Section 8 tenant expressed concern about moving to a safe neighborhood and being able to have as much time as possible to move. A notice of intent to acquire will be provided to this tenant so they may use their relocation benefits as soon as possible. Four out of six tenants expressed interest in becoming homeowners. These tenants will receive assistance in using their relocation benefits as a down payment on a home. These are included as firm project commitments.

All land acquisition will be in compliance with Indiana Code Title 32, Article 24 - Eminent Domain. The law requires that the property owner be provided a copy of the appraisal. Providing a copy of the appraisal allows the property owner to see how the offer was determined. A property owner, based on evidence provided, has the right to seek an administrative settlement. The project has an administrative settlement process in place that requires the acceptance by the LPA and State. If a resolution cannot be reached by the parties, the eminent domain process is followed. The INDOT Administrative Settlement process will be followed, and the Condemnation process will be followed if a mutual agreement cannot be met. Through the Administrative Settlement and Condemnation process, an owner may receive more than fair market value. When comparable replacement housing cannot be obtained based on fair market value, "Housing of Last Resort" provisions will be utilized by INDOT to secure a replacement dwelling that is decent, safe, and sanitary. Housing of last resort provisions are in place to provide additional and alternative assistance when comparable replacement dwellings are not identified and available within the monetary limits of property owners or tenants. These are included as firm project commitments.

In addition, the FHWA Temporary Waiver for using an alternate methodology for calculating a replacement housing payment (RHP) eligibility will be implemented for the project. The alternate RHP eligibility calculation procedure allows an upward adjustment to the asking price of the selected comparable replacement dwelling, to an amount which has been determined and documented to be the probable price for which the comparable dwelling will sell. This is included as a firm project commitment.

Project Modifications

Subsequent to the release of the EA for public involvement, changes were made to the maintenance of traffic (MOT) and the funding and schedule were updated for the project. The MOT was originally proposed to be conducted in three phases but was changed to four phases. The updated MOT is identified below and was presented at the public hearing during the presentation (Attachment B47-B49). The MOT plan sheets are shown in Attachment E1-E6. The funding and schedule edits are also listed below.

MOT

The MOT plan for the project will be split into four phases, Phase 1, Phase 2A & 2B, Phase 3A & 3B and Phase 4. **Phase 1** will install proposed stormwater and waterline crossings across Hively Avenue, Eddy Street, Lowell Avenue and Warren Avenue. **Phase 2A** will keep Hively Avenue open as construction begins south of Hively Avenue. Major work to be completed during this phase includes reconstruction of Warren Street from Hively Avenue down to Hammond Avenue and the sidewalk along the west side of Hammond Avenue from just north of Yuma Avenue to Hively Avenue. Closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing SR 33 and CR 45 for the Hammond Avenue closure. **Phase 2B** will be the same MOT as Phase 2A with the exception that Hammond Avenue will be realigned and reconstructed. Pedestrian traffic will be maintained on the sidewalk along the west side of Hammond Avenue during this phase. **Phase 3A** will require temporary closures on Roosevelt Avenue, Homer Avenue, Lowell Avenue, and sections of Hively Avenue. During this phase of construction of the main approach roadway and MSE walls will be constructed along the new Hively Avenue alignment. Due to settlement concerns this portion of construction will require 6 months post construction to allow for natural settlement. A detour for Hively will use the newly constructed Warren Street going south to connect to Hammond Avenue north to the original Hively Avenue. **Phase 3B** will be a shorter-term construction phase which ties the new Hively alignment into the existing. This will include the reconstruction of intersections at Monger and Hively, Roosevelt and Hively, Warren and Hively, and Hazel Street and Hively. Additional work will include the re-alignment to connect Lowell Avenue and Eddy Street directly to Sterling Avenue as well as modifications to the east half of Main Street. A posted detour route will be provided during this phase which incorporates the use of Pleasant Plain Avenue, Mishawaka Rd, and County Road 13. **Phase 4** will construct the new Roosevelt Avenue connection to Main Street, modifications to the west half of Main Street, and final modifications to Morton Avenue, Garden Blvd., and Sterling/Hammond Avenue.

Project Funding

The total project cost is currently estimated at approximately 34 million. It is anticipated that the Norfolk Southern Railway will contribute approximately 5% of the total construction cost. The total construction cost for the project is approximately 20 million. Therefore, it is anticipated that the Norfolk Southern Railway will contribute a total of 1 million to the project and this money will be taken off the local contribution.

Project Schedule

The letting for the project was originally set for July 2023. The project letting is now April 2024.

Phase II ESA Report

Michael Baker prepared a Phase II ESA Report and INDOT SAM concurred with the report on November 10, 2022 (Attachment F). The Phase II ESA Report provided conclusions and recommendations based upon applicable INDOT SAM guidance, IDEM Remediation Closure Guides (RCGs), RCRA waste (TCPL) and background arsenic (Attachment F21). The Phase II ESA was conducted at 13 potential hazardous waste sites through 19 soil boring (SB) locations (Attachment F22).

Most of the Phase II sample results were non-detect or less than applicable IDEM RCGs except for four (4) borings where sample results were greater than IDEM RCGs and did not meet IDEM Uncontaminated Soil Policy standards located at the following sites:

IN MI Power Co. & Norfolk Southern Railroad, Site 23

Located east of South Main Street. This site included one sample with reported historic coal, foundry, or railroad operations were observed to have residual coal fines and/or slag fill and corresponding arsenic results greater than IDEM RCGs and local shallow soils (SB 23-1).

New commercial building (former salvage yards), Site 51

Located at 2729 Hammond Avenue. This site included samples with 0-4 feet below ground surface (ft. bgs) one volatile organic compound (VOC) (benzene; SB 51-2, sample S-2) and both borings reported historic coal, foundry, or railroad operations were observed to have residual coal fines and/or slag fill and corresponding arsenic results greater than IDEM RCGs and local shallow soils (SB 51-1, 51-2).

Advance Auto (former S&R Brass Foundries), Site 65

Located at 2676 South Main Street. This site included samples with one semi-volatile organic compounds (SVOCs) (naphthalene; SB 65-1, sample S-1) and reported historic coal, foundry, or railroad operations were observed to have residual coal fines and/or slag fill and corresponding arsenic results greater than IDEM RCGs and local shallow soils (SB 65-1).

In accordance with the IDEM Uncontaminated Soil Policy, no reuse of excavated material and appropriate handling, removal, and disposal at approved non-hazardous waste landfill (or treatment facility) is required for excavated material of shallow soils (0-4 ft. bgs) at Phase II sites 23, 51, and 65 (SB 23-1, 51-1, 51-2, and 65-1), and subsurface soils (>4 ft. bgs) at site 51 (SB 51-2) (Attachment F24, Figure 4-1). Any associated storm/groundwater or dewatering at Phase II sites 23, 51, and 65 should be implemented as shown on project plans and provisions. These are included as firm commitments of the project.

Sole Source Aquifer

As part of Resource Agency Correspondence (Attachment C10), project public comment period notes, project descriptions, geologic, hydrologic, and geotechnical conditions, incorporated design elements, and Phase II ESA report were provided to the EPA Region 5 Groundwater & Drinking Water Branch. The completed SSA Review was received on November 23, 2022 stated, "Based on the project proponent's response to questions, EPA's review of the materials provided, and understanding that the review points highlighted in the response are or will be incorporated into the project plans, EPA determines that this project is not likely to contaminate the St. Joseph SSA". The EPA highlights were grouped by activity below

and incorporated as new firm project commitments in this FONSI that were not originally identified in the EA (Attachment I).

Communication

- “Contractors and engineers should be made aware that the area where work is to be performed overlies a federally recognized Sole Source Aquifer”, “... INDOT Geotechnical Services Division be made aware of the Sole Source Aquifer Status of the area before approval of the pile construction plans/methods”, and “pile installation should be designed to limit potential for introduction (during installation) or migration (via preferential pathway if not adequately sealed around the piles) of any contaminants”
- “Provide any relevant public inquiry regarding the environmental or aquifer impacts of this project; note that review of additional Citizen Concerns would not necessarily “re-open” our SSA review unless additional project information is presented which significantly changes our understanding of the project on which our recommendations/review were based”

Encountering Wells / Storm Water Management

- “Any wells in close proximity to the project will be either properly abandoned or protected to avoid disturbance or contamination”, “... physically locate wells within the project boundary so that trucks/equipment don’t damage the wells and so that contractors are aware of the potential conduits for contamination to the aquifer” and “... inspect wells both inside of and near the project boundary (within 0.25 miles) before, during, and after demolition to be sure that no unintended disturbance was caused.”
- “It is important to incorporate the routine inspection of storm water management systems” and “Town officials and long-term maintenance contractors and engineers should be made aware that conservative salting practice recommendations were a part of the projects SSA Review process.”

Material Handling

- “(wetland) areas should be avoided when staging for construction and should not be used for the temporary storage of any chemicals or fuels during the construction period” and “The contractor must avoid placing fueling, staging and wash-out areas within the eastern residential area whenever possible.”
- “... adherence to Material Handling and Spill Prevention Control, SPCC Plan under IDEM’s Rule 5 Permit, and BMPs including secondary containment and routine inspections will be required” and “Demolition and/or construction waste is to be removed from the site in compliance with relevant federal, state, and local law (i.e. legal disposal).”

Excavation / Hazardous Sites

- “Any excavation requiring to be filled is to be done so with clean fill per all applicable local and state requirements” and that “... contingency plans should be in place so that the project engineer and all relevant officials are made aware that contact with groundwater was made and take the proper dewatering steps that may be needed.”
- “Contractors working on excavation should be made aware of the location of all hazardous material sites incase foul odors or oil sheens are encountered during construction” and that “... any excavation taking place in these (*Phase II 23-1, 51-1, 51-2, and 65-1*) areas will have the soil removed and properly disposed of and the soil will be replaced with clean fill material.”

- “Contingency plans should be created to handle such situations should they be encountered” to “... prevent creating new preferential pathways down to the aquifer, particularly where probable or known soil/groundwater contamination exists.”

Vibration Susceptibility

Concern about residential property damage resulting from vibration was received during the public hearing for the Environmental Assessment (EA). Based on the nature of the comment received, the context of the project study area, and the length and type of construction activities, the project study team assessed potential vibration susceptibility (Attachment H). Best professional judgement was used to identify the extent of vibration caused by the various construction activities. The project team considered other DOT practices including Florida and Minnesota, as well as geotechnical information, and overall construction activities. The construction activities causing most of the vibration are associated with driving the bridge piles into the ground at each end of the bridge and in three pier locations in the center of the bridge. It is estimated that vibration could be felt up to 200 feet from each pile location (Attachment H7). The other construction activity causing vibration is the use of vibration rollers to compact the soil for the new roadway, embankments, and slope area. It is estimated that vibration could be felt up to 75 feet from the slope areas and roadway pavement edge.

The project study team has initially identified sixty (60) residential and/or community-related properties immediately adjacent to the project’s construction activities that may have the potential for vibration susceptibility. These sixty residential properties are identified in Table 2 of the Vibration Susceptibility Memorandum (Attachment H8). Heavy commercial and industrial properties were not recommended for vibration susceptibility consideration due to their long-standing proximity to the railroad, construction, and site related activities. The team also assessed potential vibration monitoring locations and recommends the following four (4) locations:

- Monger Avenue Area
- Roosevelt Avenue Area
- Dover Street Area
- Homer Avenue Area

Under the auspice of community impact, the memo recommends that the construction contractor develop and implement a Vibration Monitoring and Control Plan (VMCP). The VMCP should include anticipated vibration-producing activities, potentially impacted receptors and establishing vibration limits as a proactive means to mitigate vibration damage claims. Residential and community-related properties that have the potential for vibration susceptibility, as identified in the VMCP, should be inspected prior to and after construction and monitored during construction. The pre-construction survey should document the condition of the structure and all existing cracks to determine whether any new cracks appeared during construction. With active monitoring of vibration on the construction site the work can be ceased until the excessive vibration is mitigated by the contractor using different construction techniques. This has been added as a firm project commitment.

Project Commitments

There are 26 commitments listed as firm commitments and 7 included for further consideration in the EA that was released for public involvement. Eight additional commitments were added based on the CSRS recommendations and relocation process. An additional firm commitment was added based on

coordination with Monger Elementary School. Based on public hearing comments, four firm commitments have been added: one about the new traffic signal/queuing, one about turn radius evaluations, and two about vibration susceptibility. Based on the Phase II ESA Report and EPA coordination 20 additional firm commitments have also been included. The new commitments include the following:

1. The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (Uniform Act). Relocation resources are available to all residents and businesses to be relocated by the project without discrimination. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person. (INDOT ESD)
2. FHWA's Temporary Waiver for Alternate Replacement Housing Payment (RHP) procedures will be implemented for this project. (INDOT ESD)
3. All offers will be made in compliance with Indiana Code Title 32, Article 24 Eminent Domain. (INDOT ESD)
4. The INDOT Administrative Settlement process will be followed, and the Condemnation process will be followed if a mutual agreement cannot be met. Through the Administrative Settlement and Condemnation process, an owner may receive more than fair market value. (INDOT ESD)
5. When comparable replacement housing cannot be obtained based on fair market value, "Housing of Last Resort" provisions will be utilized by INDOT to secure a replacement dwelling that is decent, safe, and sanitary. Housing of last resort provisions are in place to provide additional and alternative assistance when comparable replacement dwellings are not identified and available within the monetary limits of property owners or tenants. (INDOT ESD)
6. Percentage Points, Increased Interest Rates, and Closing Cost are provided within the Uniform Act and will be paid in accordance with 49 CFR 24. (INDOT ESD)
7. One Section 8 tenant will be issued a notice of intent to acquire so that the tenant may use their relocation benefits as soon as possible. (INDOT ESD)
8. Four tenants have expressed interest in becoming homeowners. These tenants will receive assistance in using their relocation benefits as a down payment on a home. (INDOT ESD)
9. Pile driving schedules will be coordinated with Monger Elementary School and will be prohibited during state required tests which happen twice a year. (INDOT ESD)
10. The City of Elkhart will monitor/adjust the new traffic signal to ensure queuing at the intersection is efficient for both the traveling public and the neighborhood. (INDOT ESD)
11. The turn radius will be evaluated at Warren, Sterling, and Yuma to ensure 105 feet trucks are accommodated. (INDOT ESD)

12. The construction contractor will develop and implement a Vibration Monitoring and Control Plan (VMCP). The VMCP should include anticipated vibration-producing activities, potentially impacted receptors and establish vibration limits as a proactive means to mitigate vibration damage claims. Residential and community-related properties that have the potential for vibration susceptibility, as identified in the VMCP, should be inspected prior to and after construction and monitored during construction. The pre-construction survey should document the condition of the structure and all existing cracks to determine whether any new cracks appeared during construction. With active monitoring of vibration on the construction site the work can be ceased until the excessive vibration is mitigated by the contractor using different construction techniques. (INDOT ESD)
13. Risk to foundation damage should be minimized. Contractors should choose staging areas based on what is identified in the VMCP. (INDOT ESD)
14. In accordance with the IDEM Uncontaminated Soil Policy, no reuse of excavated material and appropriate handling, removal, and disposal at approved non-hazardous waste landfill (or treatment facility) is required for excavated material of shallow soils (0-4 ft. bgs) at Phase II sites 23, 51, and 65 (SB 23-1, 51-1, 51-2, and 65-1), and subsurface soils (>4 ft. bgs) at site 51 (SB 51-2) (Phase II Figure 4-1). (INDOT SAM)
15. Any associated storm/groundwater or dewatering at Phase II sites 23, 51, and 65 should be implemented as shown on project plans and provisions. (EPA)
16. Contractors working on excavation should be made aware of the location of all hazardous material sites incase foul odors or oil sheens are encountered during construction. Contingency plans should be created to handle such situations should they be encountered. (EPA)
17. Any excavation taking place at Phase II sites 23, 51, and 65 (SB 23-1, 51-1, 51-2, and 65-1) areas will have the soil removed and properly disposed of and the soil will be replaced with clean fill material. (EPA)
18. Any excavation requiring to be filled is to be done so with clean fill per all applicable local and state requirements. This is especially true for areas identified to have contamination present (i.e. Arsenic). (EPA)
19. Contractors and engineers should be made aware that the area where work is to be performed overlies a federally recognized Sole Source Aquifer. Pile installation should be designed to limit potential for introduction (during installation) or migration (via preferential pathway if not adequately sealed around the piles) of any contaminants. (EPA)
20. Prevent creating new preferential pathways down to the aquifer, particularly where probable or known soil/groundwater contamination exists. (EPA)
21. Provide any relevant public inquiry regarding the environmental or aquifer impacts of this project to the EPA; note that review of additional Citizen Concerns would not necessarily “re-open” SSA review unless additional project information is presented which significantly changes EPA’s understanding of the project on which our recommendations/review were based. (EPA)

22. Contingency plans should be in place so that the project engineer and all relevant officials are made aware if contact with groundwater is made and take the proper dewatering steps that may be needed. Precautions should be taken when dewatering is conducted (e.g. to control any contaminants in the storm/groundwater prior to discharge). (EPA)
23. Pile installation should be designed to limit potential for introduction (during installation) or migration (via preferential pathway if not adequately sealed around the piles) of any contaminants. (EPA)
24. INDOT Geotechnical Services Division should be made aware of the Sole Source Aquifer Status of the area before approval of the pile construction plans/methods. (EPA)
25. It is important to incorporate the routine inspection of storm water management systems. (EPA)
26. Although this is not in a Well Head Protection of Source Water Protection Area, there are Private Wells present per this site ([Water Well Viewer \(arcgis.com\)](http://WaterWellViewer(arcgis.com))). Water wells from Water Well Viewer as of 10/05/2022 will be identified on the project plans. However, it will be the contractor's responsibility to perform field checks to identify any known/unknown water well locations within the project boundary so that trucks/equipment don't damage the wells and so that contractors are aware of the potential conduits for contamination to the aquifer. The purpose is also to inspect wells both inside of and near the project boundary (within 0.25 miles) before, during, and after demolition to be sure that no unintended disturbance was caused. (EPA)
27. Any wells in close proximity to the project will be either properly abandoned or protected to avoid disturbance or contamination. It is anticipated that three to six wells will be abandoned, based on the current proposed relocations. The exact number will be determined during the right-of-way acquisition phase of the project. (EPA)
28. Wetland areas should be avoided when staging for construction and should not be used for the temporary storage of any chemicals or fuels during the construction period. (EPA)
29. The contractor must avoid placing fueling, staging and wash-out areas within the eastern residential area whenever possible. (EPA)
30. Town officials and long-term maintenance contractors and engineers (City of Elkhart) should be made aware that conservative salting practice recommendations were a part of the projects SSA Review process. (EPA)
31. Demolition and/or construction waste is to be removed from the site in compliance with relevant federal, state, and local law (i.e. legal disposal). (EPA)
32. Adherence to the Material Handling and Spill Prevention Control, SPCC Plan under IDEM's Rule 5 Permit, and BMPs including secondary containment and routine inspections will be required. (EPA)

33. The SSA Review of this project is based on the given scope of work. Should amendments to scope of work be made that change the interpretation and recommendations made in the SSA review, please bring this to EPA's attention so that the review can be amended as needed. (EPA)

The project now includes a total of 59 firm commitments and 7 for further consideration. All commitments are identified in Attachment I.

Upon the satisfactory completion of your review of the FONSI request information packet, we would request that you forward the attached information to the FHWA with the request that they prepare the necessary FONSI for this project in order to complete the NEPA process. Please contact me at (312) 575-3902 or Laura.Jack@mbakerintl.com if there are any questions or if additional information is needed.

Sincerely,



Laura Jack
Environmental Scientist



Attachment

Attachments

Attachment A: Approved Environmental Assessment (Text Only)

A-1 Environmental Assessment

Attachment B: Public Hearing Documentation

B-3 Legal Notice
B-8 Goshen News Affidavit
B-12 Elkhart Truth Affidavit
B-17 Public Hearing Postcard
B-19 Public Hearing Flier
B-21 Public Hearing In-Person Meeting Materials
B-35 Public Hearing Presentation
B-58 Public Hearing Sign-in Sheets
B-68 Public Hearing Transcript
B-85 Public Hearing Comment and Responses

Attachment C: Resource Agency Correspondence

C-1 EA Distribution List
C-2 Notification of EA Availability
C-4 IDEM Response
C-7 IDNR Response
C-10 EPA Response

Attachment D: EJ Burdens & Benefits Analysis

D-1 EJ Burdens and Benefits Analysis (minor updates)

Attachment E: Project Modifications

E-1 MOT Phasing Plan Sheets

Attachment F: Phase II ESA Report

F-1 Phase II ESA Report
F-21 Phase II ESA Report Conclusion and
Recommendations

F-315 INDOT SAM Concurrence Email

Attachment G: Water Wells Location Exhibits

G-1 Water Well Locations 0.25 mile
G-2 Water Well Locations Preferred Alternative

Attachment H: Vibration Susceptibility Memorandum

H-1 Vibration Susceptibility Memorandum

Attachment I: Project Commitments

I-1 Firm Commitments
I-5 For Consideration

Attachment A:

Approved Environmental Assessment (Text Only)

FHWA-Indiana Environmental Document
CATEGORICAL EXCLUSION / ENVIRONMENTAL ASSESSMENT FORM
GENERAL PROJECT INFORMATION

Road No./County:	East (E.) Hively Avenue/Elkhart County
Designation Number(s):	1801933
Project Description/Termini:	Grade separation of E. Hively Avenue (also referred to as Hively Avenue) over the Norfolk Southern Railroad, South (S.) Main Street (also referred to as Main Street), and Hammond Avenue. The west terminus is 0.01 mile west of Burr Oak Avenue that extends approximately 0.57 mile to the east terminus approximately 0.02 west of Clayton Avenue.

	Categorical Exclusion, Level 2 – Required Signatories: INDOT DE and/or INDOT ESD
	Categorical Exclusion, Level 3 – Required Signatories: INDOT ESD
	Categorical Exclusion, Level 4 – Required Signatories: INDOT ESD and FHWA
X	Environmental Assessment (EA) – Required Signatories: INDOT ESD and FHWA
	Additional Investigation (AI) – The proposed action included a design change from the original approved environmental document. Required Signatories must include the appropriate environmental approval authority

Release for Public Involvement

	<i>Anthony Ross</i>	6/27/2022
	INDOT DE Initials and Date MICHELLE B ALLEN	INDOT ESD Initials and Date Digitally signed by MICHELLE B ALLEN Date: 2022.06.28 06:40:04 -04'00'
	FHWA Signature and Date	

Certification of Public Involvement

	<i>Jeffrey B. Clanton</i>
	INDOT Consultant Services Signature and Date Director of Major Projects Delivery

INDOT DE/ESD Reviewer Signature and Date: _____

Name and Organization of CE/EA Preparer: _____
 Laura Jack, Michael Baker International, Inc.

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Part I – Public Involvement

Every Federal action requires some level of public involvement, providing for early and continuous opportunities throughout the project development process. The level of public involvement should be commensurate with the proposed action.

Does the project have a historic bridge processed under the Historic Bridges PA*? [] [X]
If No, then:
Opportunity for a Public Hearing Required? [X] []

*A public hearing is required for all historic bridges processed under the Historic Bridges Programmatic Agreement between INDOT, FHWA, SHPO, and the ACHP.

Discuss what public involvement activities (legal notices, letters to affected property owners and residents (i.e. notice of entry), meetings, special purpose meetings, newspaper articles, etc.) have occurred for this project.

Notice of Entry letters were mailed to potentially affected property owners near the project area on April 25, 2019 and again October 20, 2020 notifying them about the project and that individuals responsible for land surveying and field activities may be seen in the area. Samples of the copies of the Notice of Entry letters are included in Appendix G, page 1.

Section 106

To meet the public involvement requirements of Section 106, a legal notice of FHWA’s finding of “No Historic Properties Affected” was published in the Elkhart Truth on October 9, 2021 offering the public an opportunity to submit comment pursuant to 36 CFR 800.2(d), 800.3(e), and 800.6(a)(4). The public comment period closed 30 days later on November 9, 2021. No comments were received. The text of the public notice and the affidavit of publication appear in Appendix D, page 22 to 23.

Public Information Plan

A Public Information Plan (PIP) was developed for the project and continues to be updated (Appendix G, page 9). The PIP is designed to educate and engage the public throughout the design and environmental process. The PIP outlines public involvement tools and helps create consistency with public engagement.

There have been three public information meetings and a formal public hearing. Communication tools have been and will continue to be provided through a variety of channels. Based on community context, meeting notification materials have been translated to Spanish to effectively reach as many people as possible in the community. A Spanish translator has been used to provide translation at the public information meetings and one will be provided at the public hearing to accommodate Spanish speakers who attend. The City of Elkhart provides translation services using city staff who are familiar with the community. All project materials are provided on the City of Elkhart’s website https://elkhartindiana.org/government/street-department/hively-overpass/ and city staff continually interface with the local community regarding project details including impacts, milestones, and schedule. A project email was setup for any public questions or comments throughout the project. Comments are addressed by the project team and a record is kept in a project comment response table (Appendix G, page 108).

Public Information Meetings

Public notices were posted for the public information meetings (PIMs) via local newspapers the Goshen News (Appendix G, page 36 and page 76), the Elkhart Truth (Appendix G, page 38 and 77), and the El Puente newspaper (Appendix G, page 40 and 79). Postcards were mailed to the project mailing list (Appendix G, page 26) that showed the project termini and at-grade crossing location and provided public meeting information (Appendix G, page 31 and 70). This information was translated to Spanish on the back of the postcard. In addition, team members took fliers, which included information in both English and Spanish, to local businesses around town to distribute information about the PIMs (Appendix G, page 33 and 72).

Information was presented to the public during three (3) PIMs, PIM #1 on October 20, 2020, PIM #2 on October 22, 2020 and PIM #3 on August 31, 2021. PIM #1 was held virtually via a Zoom meeting and PIM #2 and PIM #3 were in-person, open house style events held at the Zion Missionary Church located within the Study Area (Appendix B, page 4).

The PowerPoint presentation from the PIM #1 Zoom meeting was posted to the City of Elkhart website and the presentation was recorded. The recording can be provided upon request. Approximately 55 people attended the Zoom meeting. The in-person open houses included a welcome table with a sign-in sheet, comment forms, and project information sheets. Stations were set-up with exhibits that showed the project location, alternatives, and alternative comparisons. Members of the project team were at each station to talk about the project and answer questions. The City of Elkhart provided a Spanish interpreter during the open house. Approximately 67 people attended the PIM #2 open house. Approximately 80 people attended PIM #3 open house. All public

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information materials distributed and presented at the PIMs along with sign-in sheets and comment forms can be found in the PIP beginning on Appendix G, page 9.

A summary of comments from PIM #2 included consideration and evaluation of truck movements, particularly those desiring to go north or south from Hively Avenue, connecting to Sterling Avenue and Hammond Avenue where industrial and commercial land-uses are concentrated alongside the Norfolk Southern Railroad. A group of business owners expressed concern regarding truck movements based on firsthand experience and requested that the project study team take another look. There were also concerns that without a dedicated or formal truck route that trucks might try to use the local street network which is undesirable. The Study Area was expanded to include review of truck movements on Hammond Avenue. Other public comments and concerns from all three PIMs included overall concerns regarding property impacts, including ingress/egress and parking considerations for adjacent businesses particularly the elementary school and the El Rosal supermarket. Potentially impacted property owners and occupants were concerned with the timing of activities, the project schedule and when to expect land acquisition to begin.

Any comments from the PIMs or email/comment forms received were recorded in an on-going comment response for the project and are included as part of the PIP (Appendix G, page 108).

Project Does Meet

The project will meet the minimum requirements described in the current *Indiana Department of Transportation (INDOT) Project Development Public Involvement Procedures Manual* which requires the project sponsor to offer the public an opportunity to submit comment and/or request a public hearing. Therefore, a legal notice will appear in a local publication contingent upon the release of this document for public involvement. This document will be revised after the public involvement requirements are fulfilled.

Public Controversy on Environmental Grounds

Discuss public controversy concerning community and/or natural resource impacts, including what is being done during the project to minimize impacts.

At this time, there is no substantial public controversy concerning impacts to the community or to natural resources.

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Part II - General Project Identification, Description, and Design Information

Sponsor of the Project: City of Elkhart and INDOT INDOT District: Fort Wayne

Local Name of the Facility: East Hively Avenue

Funding Source (mark all that apply): Federal State Local Other*

*If other is selected, please identify the funding source: _____

PURPOSE AND NEED:

The need should describe the specific transportation problem or deficiency that the project will address. The purpose should describe the goal or objective of the project. The solution to the traffic problem should NOT be discussed in this section.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue, also referred to as Hively Avenue, per day. These trains inhibit mobility for the approximate 6,000 vehicles a day that use the Hively Avenue crossing as identified in the 2019 Engineer's Report (Appendix M, page 1). This causes motorist backups on Hively Avenue and adjacent streets, along with prohibiting pedestrian and bicyclist movements.

The Federal Highway Administration (FHWA) has published guidelines to determine when converting an at-grade railroad crossing into a grade separated crossing is justified. The guidelines are published in the following document "Guidance on Traffic Control Devices at Highway-Rail Grade Crossings" (FHWA, November 2002). The guidelines list several criteria that can be used to warrant a railroad grade separated crossing. Meeting just one (1) of those criteria is enough to justify grade-separation. The Hively Avenue railroad crossing meets three (3) of those criteria. Table 1 summarizes these criteria and how the Hively Avenue and Norfolk Southern Railroad crossing exceeds the criteria.

Table 1. FHWA Warrants for Grade Separation

Category	Criteria	Hively Avenue & Norfolk Southern Railroad Crossing
Number of trains	An average of 75 or more trains per day	This location has an estimated 70-100 trains per day, with an average of 88 trains per day, at a maximum allowable train speed of 79 mph
Expected crash frequency	The expected crash frequency exceeds 2% per year	This location has an expected crash frequency of 5.22% per year
Vehicle delay	Vehicle delay exceeds 30 vehicle-hours per day	This location has an estimated 50 to 200 vehicle-hours of delay per day

In addition to looking at FHWA warrants for grade separations, crash data was also reviewed. Seven (7) crashes have occurred over a five-year period (2015-2019) due to the railroad crossing according to Michiana Area Council of Governments (MACOG) crash data. These crashes occurred when the gate was down and were typically rear-ended crashes due to vehicles attempting to back-up and U-turns (Appendix A, page 2).

Based on observations of gate down time at a nearby intersection, there was a gate down time of four (4) minutes (Appendix A, page 2). It should be noted that a gate down time of 3 minutes or more would be equivalent to a level-of-service (LOS) "F" at an intersection, which would be an unacceptable capacity level-of-service for an intersection. Intersections with a vehicle delay of 1 minute or more result in a level-of-service "F". The intersection of Hively Avenue and Main Street has a current LOS of "D".

The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; improve the LOS to a "C" on the new Hively Avenue alignment; and improve bike/pedestrian movements.

This is page 4 of 41 Project name: Hively Avenue Overpass Date: November 30, 2022

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PROJECT DESCRIPTION (PREFERRED ALTERNATIVE):

County: Elkhart

Municipality: City of Elkhart

Limits of Proposed Work: The west terminus is 0.03 mile east of Burr Oak Avenue that extends approximately 0.54 mile to the east terminus approximately 0.02 west of Clayton Avenue. The project limits also extend on intersecting side streets, approximately 110 feet (0.02 mile) on Monger Avenue, 269 feet (0.05 mile) on Roosevelt Avenue, 53 feet (0.01 mile) on Morton Avenue, 328 feet (0.06 mile) on Homer Avenue, 820 feet (0.16 mile) on Main Street, 92 feet (0.02 mile) on Garden Boulevard, 104 feet (0.02 mile) on Sterling Avenue, 570 feet (0.11 mile) on Hammond Avenue, 35 feet (0.007 mile) on Eddy Street, 178 feet (0.03 mile) on Lowell Avenue, 1,160 feet (0.22 feet) on Warren Street, 38 feet (0.007 mile) on Hazel Street, 74 feet (0.01 mile) on Dover Street, and 74 feet (0.01 mile) on Yuma Avenue.

Total Work Length: 0.54 Mile(s)

Total Work Area: 18.9 Acre(s)

Is an Interstate Access Document (IAD)¹ required?
If yes, when did the FHWA provide a Determination of Engineering and Operational Acceptability?

Yes ¹	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date: <input style="width: 100%;" type="text"/>	

¹If an IAD is required; a copy of the approved CE/EA document must be submitted to the FHWA with a request for final approval of the IAD.

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Describe location of project including township, range, city, county, roads, etc. Existing conditions should include current conditions, current deficiencies, roadway description, surrounding features, etc. Preferred alternative should include the scope of work, anticipated impacts, and how the project will meet the Purpose and Need. Logical termini and independent utility also need discussed.

Location

The project is located on Hively Avenue at the Norfolk Southern Railroad crossing (AAR/DOT Crossing number 961515P) in Elkhart, Elkhart County, Indiana (Appendix B, page 1). The west terminus is 0.03 mile east of Burr Oak Avenue to approximately 0.54 mile to the east terminus approximately 0.02 mile west of Clayton Avenue. The project limits also extend along intersecting side streets on Monger Avenue, Roosevelt Avenue, Morton Avenue, Homer Avenue, Main Street, Garden Boulevard, Sterling Avenue, Hammond Avenue, Eddy Street, Lowell Avenue, Dover Street, Yuma Avenue, Warren Street, and Hazel Street. The project is in Sections 15 and 16, Township 37 North, Range 5 East as shown on the Elkhart, Indiana 7.5-minute quadrangle map (Appendix B, page 2).

Existing Conditions

Hively Avenue is classified as a Principal Arterial that is a major corridor connecting the west side of Elkhart to the east side of Elkhart. Hively Avenue crosses the Norfolk Southern Railroad crossing east of Main Street and west of Sterling Avenue. Hively Avenue, from Bismark Avenue to Main Street consists of two (2) 11-foot wide asphalt lanes, one (1) 11-foot middle turning lane, and two (2) 5-foot wide bike lanes. There is existing sidewalk and curb on both sides of the roadway in this location. From Main Street to Sterling Avenue, Hively Avenue consists of four (4) 11-foot wide asphalt lanes with curb on both sides of the roadway and a sidewalk with a utility strip on the north side of the roadway. From Sterling Avenue to Hazel Street, Hively Avenue consists of two (2) 15-foot wide asphalt lanes with curb on both sides. For this section, both eastbound and westbound lanes are transitioning from two travel lanes down to one travel lane per direction. Main Street is a Minor Arterial and traffic travels northwest and southeast. Main Street traffic travels north into downtown Elkhart and south turning into US 33, south of US 20, and connects Elkhart to Goshen (Appendix B, page 3). Main Street, south of Hively Avenue, has four (4) 11-foot wide asphalt lanes with a 2-foot 6-inch centerline separation and curb and sidewalk on both sides. Main Street, north of Hively Avenue, consists of four (4) 11-foot asphalt lanes with curb on both sides. The west side of Main Street has a utility strip and sidewalk on both sides of the roadway at this location. Sterling Avenue is classified as a Local Agency Collector with traffic traveling northwest and southeast. Sterling Avenue consists of two (2) 11-foot asphalt travel lanes with 5-foot bike lanes in both directions. Hammond Avenue is a Local Agency Collector with traffic traveling northwest and southeast. Hammond Avenue consists of two (2) 12-foot asphalt travel lanes with a utility strip and 9-foot bike path on the west side of the road. There are also various local city streets within the project limits (including Monger Avenue, Morton Avenue, Roosevelt Avenue, Lowell Avenue, and Warren Street) all of which consist of two (2) 10-foot to 12-foot travel lanes. Monger Avenue, Morton Avenue, and Roosevelt Avenue all have sidewalk along both sides of the road.

Throughout the project area there are sidewalks and curb ramps that do not meet current Americans with Disabilities Act (ADA) compliance. Non-ADA compliant curb ramps are located at the entrance of the Zion Missionary Church, the entrance to El Rosal supermarket, and at the intersection of Hively Avenue and Main Street. There is no sidewalk along Hively Avenue east of the Norfolk Southern Railroad tracks. Existing sidewalks run along Main Street on both the west and east side, however the sidewalk ends just north of Hively Avenue on the east side of Main Street near the Midas business. There are also non-ADA compliant sidewalk and curb ramps at the intersection of Main Street and Garden Boulevard and locations with no curb ramps near KFC, located off Main Street, where there is an existing bus stop. The Interurban Trolley Red Line is a City of Elkhart bus service that runs through the project along Main Street. There are two flag bus stops located within the project area, meaning the bus will only stop when flagged by passengers. The two flagged stops are Stop 43 which is an inbound stop (near KFC) located south of the Hively Avenue and Main Street intersection and Stop 14 which is an outbound stop located just north of the Hively Avenue and Main Street intersection (Appendix B, page 5). There is a lack of ADA compliant sidewalk connections at the location of both flag bus stops. Crosswalks are located in certain locations on Hively Avenue near Monger Elementary School and at the intersection at Hively Avenue and Main Street.

The Norfolk Southern Railroad is a three-track rail line that runs north and south. The Norfolk Southern rail yard is located approximately 3.8 miles northwest of Hively Avenue and Norfolk Southern Railroad crossing. Approximately 70-100 trains pass through the Hively Avenue crossing per day as identified in the traffic analysis done in the 2019 Engineer's Report (Appendix M, page 1). Generally, freight movements are expected to increase, and trains continue to become longer, putting additional strain on existing transportation systems.

The primary land uses within and adjacent to the project area consist of residential, commercial, and industrial. It is industrial and heavy commercial along the north-south roadway and rail network with residential and light commercial along Hively Avenue, the east-west connector. The current land use pattern is residential and commercial. Residential and businesses lie immediately adjacent to the main roadways, driveways, side-street and curb cuts provide direct access to these homes and businesses. Monger Elementary School and Zion Missionary Church are in the western section of the project, numerous businesses are located at the intersections of Hively Avenue and Main Street and the intersection of Hively and Sterling/Hammond Avenue. There is a public trail,

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the MapleHeart Trail, located along Hammond Avenue (Appendix B, page 4). The off-road portion of the trail ends at Hively Avenue and currently has a cross-walk to connect from Hammond Avenue to Sterling Avenue and becomes an on-road route. The MapleHeart Trail serves as a connection to the Elkhart Environmental Center located outside of the project area (Appendix B, page 3). Since there are no sidewalks located east of the Norfolk Southern Railroad there is no existing sidewalk connection to the MapleHeart Trail.

A previous City of Elkhart project located at E. Indiana Avenue created an underpass at the crossing with Norfolk Southern Railroad, located approximately 1.2 miles northwest of the existing Hively Avenue and Norfolk Southern Railroad crossing. The other at-grade crossings within the network area include E. Lusher Avenue, Sunnyside Avenue, and County Road (CR) 13. Both E. Lusher Avenue and CR 13 serve only local traffic (Appendix B, page 3).

The existing conditions within the project area include key deficiencies that were taken into consideration during engineering design (Appendix B, page 5). These include:

- Lack of connectivity/mobility
- Traffic backups/congestion at Norfolk Southern Railroad crossing
- LOS at Railroad crossing of "F" and "D" at Main Street
- Lack of sidewalk connections in certain areas along Hively Avenue
- Lack of safe pedestrian crossing at Norfolk Southern Railroad
- Non-ADA compliant curb ramps and sidewalk
- Lack of crosswalk markings at intersection of Hively Avenue and Main Street
- Lack of connection to existing MapleHeart Trail
- Flag bus stop locations near sidewalk with no curb ramps
- Within an Elementary School walk zone but does not have complete sidewalks/connection throughout

Preferred Alternative (Alternate 3A: Realign Hively to South; Connection Roadway to North)

This project proposes eliminating the existing Norfolk Southern Railroad at-grade-crossing at Hively Avenue by creating a new grade separation (bridge) which will carry Hively Avenue over the Norfolk Southern Railroad, Main Street, and Hammond Avenue. A bridge number will be assigned to this structure as the design progresses. The bridge will raise the Hively Avenue profile approximately 23.22 feet above the Norfolk Southern Railroad which meets the minimum 23 feet vertical clearance required for railroads. Hively Avenue will be reconstructed and shifted to the south from Monger Avenue, shifting approximately 178 feet at the Roosevelt Avenue intersection to then connect back to the existing alignment where it connects with Hazel Street. Sidewalk will be added on both sides of Hively Avenue near Bismark Avenue extending east to Roosevelt Avenue and sidewalk connections will be added on Monger Avenue, Morton Avenue, Roosevelt Avenue, and Main Street. ADA compliant curb ramps will be added where new sidewalks are constructed along all local streets shown in Table 1. An intersection modification will be added at Homer Avenue transforming the intersection into a Cul-De-Sac, 350 feet south of Main Street due to the closure of the Main Street intersection. Hammond and Sterling Avenue will be realigned to be directly in line with each other allowing traffic to be directed northeast to southwest under the Hively Avenue grade separation. Lowell Avenue will be realigned approximately 200 feet north of existing Hively Avenue to extend southwest and intersect with Sterling Avenue. Roosevelt Avenue will be extended approximately 540 feet north of Hively Avenue to connect to Main Street (Appendix B, page 6). Eddy Street will be realigned to extend south to the new Lowell Street Alignment by 20 feet. Realignment and reconstruction of Warren Street will occur approximately 190 feet north of Hively Avenue and alignment of approximately 970 feet south of existing Hively Avenue.

Hively Avenue will have a bike path west of the bridge, 10 foot sidewalk on the bridge, and a multi-use path along the north side of the roadway east of the bridge. The multi-use path will connect to Hammond Avenue and to the MapleHeart Trail. The MapleHeart Trail will be realigned with Hammond Avenue and include a new crosswalk provided for connection to the MapleHeart Trail along Sterling Avenue. Intersecting side streets will have pavement improvements and reconstructed drive approaches where necessary. New drainage infrastructure, including curb inlets, ditch inlets, and roadside ditches, will be added as required throughout the project limits. Traffic signals will be added to the Hively Avenue and Roosevelt intersection, Hively Avenue and Warren Street intersection, and Roosevelt Avenue and Main Street intersection.

Table 2. Proposed Sidewalks/ADA Compliance

Intersection	Quadrant Location
Hively Avenue & Monger Avenue	NE & NW Quadrants
Hively Avenue & Roosevelt Avenue	NE, NW, SE & SW Quadrants
Hively Avenue & Warren Street	NW Quadrant

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Main Street & Roosevelt Avenue	NE, NW & SW Quadrants
Main Street & Garden Blvd	NW & SW Quadrants
Hammond Avenue & Lowell Avenue	SE & SW Quadrants
Morton Avenue & Roosevelt Avenue	NW & NE Quadrants

To accommodate a truck route, a full depth reconstruction of the pavement on Warren Street and curb and gutter will be added adjacent to each travel lane south of Hively Avenue. Curb Inlets will be provided and drive approaches will be reconstructed where required along Warren Street. The Warren Street approach at Hammond Avenue will be reconstructed to accommodate truck turning movements.

A green space is proposed in the area between the new Roosevelt Avenue extension and Hively Avenue and Main Street (Appendix B, page 11). This will be located near the relocated flag bus stop, Stop 43, that will now have sidewalk connection. Bus Stop 14 will remain in the same location but improved connection will be provided with the new sidewalks along Main Street.

After the Preferred Alternative is constructed and the new facility is open to traffic, the City of Elkhart and Norfolk Southern will negotiate the crossing closure required by the Local Grant Agreement. As proposed, this closure will occur at E. Lusher Avenue, however, another location could be agreed upon. Any subsequent local road (railroad crossing location on the local network) closure will be executed as a separate project with local funding per the City of Elkhart's Board of Works sometime in the future. The timing of these activities is undefined at this time.

The proposed improvements will avoid impacts to community resources, residential, and commercial properties to the greatest extent possible. The project will require the purchase of permanent and temporary right-of-way (ROW), approximately 10.32 acres of permanent ROW and 0.88 acres of temporary ROW. Reference the ROW section of this document for more details. The project will also require the relocation of twenty-one (21) residential properties and six (6) commercial properties and the acquisition of one (1) residential property (Appendix B, page 8). An acquisition refers to a purchase of a vacant property.

The preferred alternative meets the purpose and need of the project. The construction of the overpass will alleviate the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allow vehicular traffic, bicycle and pedestrian movements and trains to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area. The LOS is anticipated to be a "C". The preferred alternative also includes a truck route that was included after public comments were received at PIM #2. The sidewalk network will be greatly improved; new, connected, ADA compliant sidewalks along Hively Avenue and adjacent side streets, Main Street, Roosevelt Avenue, and Hammond Avenue allow a connection to Monger Elementary School, El Rosal supermarket, churches, residential and businesses; which is an overall benefit to the community. The sidewalk improvements in the vicinity of Monger Elementary are consistent with Safe Routes to School goals identified in local plans including the MACOG *Michiana on the Move: Transportation Plan 2045*. The improved sidewalks also provide connectivity to the MapleHeart Trail which is lacking in the existing condition; this will also improve neighborhood connectivity to the Environmental Center. Pedestrian access to the transit stop will be improved with ADA compliant sidewalk and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside. Project plans can be found in Appendix B, pages 29 to 122.

Additional Information

The maintenance of traffic (MOT) plan for the project will be split into phases, Phase 1, Phase 2, and Phase 3 (Appendix B, pages 41, 43, and 45). Phase 1 will keep Hively Avenue open as construction begins south of Hively Avenue and closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing US 33 and CR 45 (Appendix B, page 39). Phase 2 will require temporary closures on Monger Avenue, sections of Hively Avenue, Roosevelt Avenue, Warren Street and a detour route will be provided utilizing Pleasant Plain Avenue, US 20, and CR 13 (Appendix B, page 43). Phase 3 includes the permanent closure of the existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment (Appendix B, page 45). One of the benefits of the preferred alternative is that the existing Hively Avenue roadway will remain open throughout most of the project construction and will only be closed for a few months during construction. Reference the MOT section of this document for additional MOT details. MOT will be provided for pedestrians and bicyclists utilizing local side streets. This MOT will be shown in the Stage 3 plans. The bus route which uses Main Street should be able to keep its normal route however Stop 43 may need to be temporarily moved during construction. There will be continued coordination with the City of Elkhart for the Interurban Trolley Red Line and included as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

The preferred alternative has independent utility, meaning its intent is to grade separate Hively Avenue from the Norfolk Southern Railroad crossing and it includes the necessary adjacent side streets to make it a stand-alone project. The project's logical termini is based on roadway and bridge geometry to connect the new alignment back to the existing network and adjacent side streets.

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OTHER ALTERNATIVES CONSIDERED:

Provide a header for each alternative. Describe all discarded alternatives, including the No Build Alternative. Explain why each discarded alternative was not selected. Make sure to state how each alternative meets or does not meet the Purpose and Need and why.

Four (4) other alternatives were considered. These alternatives were identified in the November 2019 Engineer's Report prepared by Michael Baker International, Inc. (Michael Baker) which built upon the 2017 Feasibility Study. These alternatives are discussed in detail in the Engineer's Report in Appendix M.

Alternative 1: No Build

The No Build (do nothing) alternative would leave the existing at-grade crossing of Hively Avenue and Norfolk Southern Railroad in place, as is, with minor improvements and routine maintenance. The existing deficiencies within the Study Area would continue to cause safety concerns, limit mobility and access, and fail to meet ADA requirements. The No Build does not meet the purpose and need and the No Build provides no net benefit to the community. However, the No Build alternative is an important part of project evaluation as a baseline condition.

Alternative 2: Alternate 2A. Maintain Hively Avenue Alignment; Connection Roadway to South

Alternate 2A would maintain the existing alignment of Hively Avenue. A connection roadway would be added between the Monger Avenue intersection and Main Street to be placed to the south. The grade crossing would be a single span bridge that would span 121 feet and one two span bridge at 118 feet. While the existing alignment would be maintained, it would require a long-term closure of two (2) years during construction, cutting off access to local community resources and businesses. Alternate 2A meets the purpose and need however was not preferred due to less desirable intersection geometry and sight distance, cost of construction, and the long-term closure during construction. This alternative has similar natural/human impacts as the other build alternatives.

Alternative 3: Alternate 2B. Maintain Hively Avenue Alignment; Use Bismark as Connecting Roadway

Alternate 2B would maintain the existing alignment of Hively Avenue. Bismark Avenue would be used as a connecting roadway between Hively Avenue and Main Street. The grade crossing would consist of one single span bridge at 121 feet and one two span bridge at 118 feet span lengths. While the existing alignment would be maintained, it would require a long-term closure of two (2) years during construction, cutting off access to local community resources and businesses. Alternate 2B meets the purpose and need however was not the preferred due to less desirable intersection geometry and sight distance, cost of construction, and the long-term closure during construction. This alternative has similar natural/human impacts as the other build alternatives.

Alternative 4: Alternate 4A. Realign Hively Avenue to South; Use Bismark as Connecting Roadway

Alternate 4A would realign Hively Avenue to the south. Bismark would be used as a connecting roadway between Hively Avenue and Main Street. The grade crossing would consist of one single span with a span of 88 feet and one two span bridge with 121'6" span lengths. Alternate 4B meets the purpose and the need however it was not the preferred due to less desirable intersection geometry and sight distance and construction cost. This alternative is similar natural/human impacts as the other build alternatives.

No Build vs Build Alternative Comparison

The three (3) build alternatives and the preferred alternative were compared to one another and to the no build. Generally, Alternate 2A and Alternate 2B would keep the grade separation (overpass) on the existing Hively Avenue alignment. This would require a long-term closure and complete traffic detour of Hively Avenue for over two (2) years during construction. Alternative 4A would shift the alignment to the south, avoiding long-term closures and complete traffic detours. The range of build alternatives considered and evaluated environmental, socio-economic and community impacts as well as design criteria and the ability to address existing deficiencies and minimize and avoid impacts, to the extent possible. All alternatives were evaluated for meeting the purpose and need along with benefits and potential impacts as shown in Table 3. All the build alternatives provide improved safety and mobility, bike/pedestrian improvements, and are consistent with regional and local comprehensive plans. All the build alternatives meet the purpose and need and have comparable potential impacts. Shifting the alignment to the north would have had similar residential and commercial impacts and would have displaced the El Rosal supermarket, therefore it was dismissed early on.

The build alternatives were further compared to one another for key engineering considerations as shown in Table 4. A major key consideration was the closure of Hively Avenue during construction. The long-term closure of Hively Avenue for Alternative 2A and 2B would impact access to local businesses in the immediate vicinity of the project and impact regional mobility, secondary but important impacts to consider. These secondary impacts may have long term impacts on local businesses and the community who relies on those businesses for goods and services. El Rosal supermarket is of particular concern given the difficulties its customers may encounter due to prolonged access impacts. Shifting the alignment to the south, Alternative 3A and 4A, avoided these impacts

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to the local El Rosal supermarket and other businesses.

Table 3. No Build and Build Benefits and Potential Impacts*

Benefits/Potential Impacts (Temporary and Permanent)	No Build	Build			
		Alternate 2A	Alternate 2B	Alternate 3A (Preferred)	Alternate 4A
Improved Safety and Mobility	No	Yes	Yes	Yes	Yes
Bike/Pedestrian Improvements	No	Yes	Yes	Yes	Yes
Community Impacts	None	Minimum	Minimum	Minimum	Minimum
Property Impacts (by Parcel)*					
Residential	0	37	30	35	34
Commercial	0	11	7	10	8
Other/Community	0	4	5	2	4
Potential Hazardous Waste Sites (combination of high and medium potential sites)	0	4	4	4	5
Public Resources (MapleHeart Trail) Impact	None	Temporary	Temporary	Temporary	Temporary
Environmental Justice Considerations	XX	Potential	Potential	Potential	Potential
Consistent with Regional and Local Comprehensive Plans	No	Yes	Yes	Yes	Yes
Meets Purpose and Need	No	Yes	Yes	Yes	Yes

*This analysis of parcel impacts was conducted in January 2021

Table 4. Key Engineering Considerations for Build Alternatives

Key Engineering Considerations	Alternate 2A	Alternate 2B	Alternate 3A (Preferred)	Alternate 4A
Maintains Hively Ave Current Alignment	Yes	Yes	No	No
Short-term Closure of Hively During Construction	No*	No*	Yes	Yes
Desirable Intersection Geometry and Sight Distance	No	No	Yes	No
Maintains Side Street Access	No	No	Yes	Yes
Minimal Traffic Increase on Bismark Ave	Yes	No	Yes	No
Lowest Estimated Construction Cost	No	No	Yes	No

*Would require a long-term closure for over two years during construction

The No Build Alternative is not feasible, prudent or practicable because (Mark all that apply):

It would not correct existing capacity deficiencies;

It would not correct existing safety hazards;

It would not correct the existing roadway geometric deficiencies;

It would not correct existing deteriorated conditions and maintenance problems; or

It would result in serious impacts to the motoring public and general welfare of the economy.

Other (It would not address the Purpose and Need):

X
X

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ROADWAY CHARACTER:

If the proposed action includes multiple roadways, complete and duplicate for each roadway.

Name of Roadway East Hively Avenue
 Functional Classification: Principal Arterial
 Current ADT: 7,000 VPD (2022) Design Year ADT: 9,900 VPD (2042)
 Design Hour Volume (DHV): 1,210 Truck Percentage (%) 2.50
 Designed Speed (mph): 45 Legal Speed (mph): 35 (posted)

	Existing	Proposed
Number of Lanes:	Varies 2-4	Varies 2-3
Type of Lanes:	Thru, Bike & Turn Lanes	Thru, Bike & Turn Lanes
Pavement Width:	Varies 30-48 ft.	Varies 24-52 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	4 ft.	5-10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Main Street
 Functional Classification: Minor Arterial
 Current ADT: 14,640 VPD (2022) Design Year ADT: 17,570 VPD (2042)
 Design Hour Volume (DHV): 1,700 Truck Percentage (%) 3.00
 Designed Speed (mph): 40 Legal Speed (mph): 40

	Existing	Proposed
Number of Lanes:	Varies 3-4	Varies 3-4
Type of Lanes:	Thru & Turn Lanes	Thru & Turn Lanes
Pavement Width:	Varies 45-46.5 ft.	Varies 45-46.5 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	4 ft.	6-10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Roosevelt Avenue (south of Hively Avenue)
 Functional Classification: Local Street
 Current ADT: 340 VPD (2022) Design Year ADT: 1,170 VPD (2042)
 Design Hour Volume (DHV): 190 Truck Percentage (%) N/A
 Designed Speed (mph): 20 Legal Speed (mph): 20

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	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Shared Thru & Turn Lanes	Shared Thru & Turn Lanes
Pavement Width:	22 ft.	22 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	4.5 ft.	5 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway: Roosevelt Avenue (north of Hively Avenue)
 Functional Classification: Minor Arterial
 Current ADT: N/A VPD (2022) Design Year ADT: 8,490 VPD (2042)
 Design Hour Volume (DHV): 780 Truck Percentage (%) 2.50
 Designed Speed (mph): 30 Legal Speed (mph): 30

	Existing	Proposed
Number of Lanes:	N/A	3
Type of Lanes:	N/A	Thru & Turn Lanes
Pavement Width:	N/A ft.	42 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	N/A ft.	8-10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway: Hammond/Sterling Avenue
 Functional Classification: Local Agency Collector
 Current ADT: 3,610 VPD (2022) Design Year ADT: 4,340 VPD (2042)
 Design Hour Volume (DHV): 440 Truck Percentage (%) 3.00
 Designed Speed (mph): 35 Legal Speed (mph): 35

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Thru & Bike Lanes	Thru & Bike Lanes
Pavement Width:	Varies 22-30 ft.	Varies 24-28 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	8 ft.	10 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway: Warren Street (south of Hively Avenue)
 Functional Classification: Local Agency Collector
 Current ADT: 110 VPD (2022) Design Year ADT: 2,040 VPD (2042)
 Design Hour Volume (DHV): 210 Truck Percentage (%) 3.00
 Designed Speed (mph): N/A Legal Speed (mph): 25

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Existing		Proposed	
Number of Lanes:	2	Varies 2-3	
Type of Lanes:	Thru Lanes		Thru & Turn Lanes
Pavement Width:	26	ft.	Varies 24-38
Shoulder Width:	2	ft.	N/A
Median Width:	N/A	ft.	N/A
Sidewalk Width:	N/A	ft.	N/A

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Warren Street (north of Hively Avenue)
 Functional Classification: Local Street
 Current ADT: 110 VPD (2022) Design Year ADT: 2,040 VPD (2042)
 Design Hour Volume (DHV): 210 Truck Percentage (%) 3.00
 Designed Speed (mph): 30 Legal Speed (mph): 30

Existing		Proposed	
Number of Lanes:	2	3	
Type of Lanes:	Thru Lanes		Thru & Turn Lanes
Pavement Width:	26	ft.	36
Shoulder Width:	2	ft.	N/A
Median Width:	N/A	ft.	N/A
Sidewalk Width:	N/A	ft.	N/A

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Monger Avenue
 Functional Classification: Local Street
 Current ADT: 270 VPD (2022) Design Year ADT: 870 VPD (2042)
 Design Hour Volume (DHV): 120 Truck Percentage (%) 2.50
 Designed Speed (mph): 20 Legal Speed (mph): 20

Existing		Proposed	
Number of Lanes:	2	2	
Type of Lanes:	Thru Lanes		Thru Lanes
Pavement Width:	27	ft.	24
Shoulder Width:	N/A	ft.	N/A
Median Width:	N/A	ft.	N/A
Sidewalk Width:	4.5	ft.	5

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

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Name of Roadway Lowell Avenue
 Current ADT: 120 VPD (2022) Design Year ADT: 120 VPD (2042)
 Design Hour Volume (DHV): 10 Truck Percentage (%) N/A
 Designed Speed (mph): 25 Legal Speed (mph): 25

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Thru Lanes	Thru Lanes
Pavement Width:	20 ft.	24 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	N/A ft.	N/A ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

Name of Roadway Morton Avenue
 Functional Classification: Local Street
 Current ADT: 600 VPD (2022) Design Year ADT: 600 VPD (2042)
 Design Hour Volume (DHV): 80 Truck Percentage (%) N/A
 Designed Speed (mph): 25 Legal Speed (mph): 25

	Existing	Proposed
Number of Lanes:	2	2
Type of Lanes:	Thru Lanes	Thru Lanes
Pavement Width:	22 ft.	24 ft.
Shoulder Width:	N/A ft.	N/A ft.
Median Width:	N/A ft.	N/A ft.
Sidewalk Width:	5 ft.	5 ft.

Setting: Urban Suburban Rural
 Topography: Level Rolling Hilly

BRIDGES AND/OR SMALL STRUCTURE(S):

If the proposed action includes multiple structures, complete and duplicate for each bridge and/or small structure. Include both existing and proposed bridge(s) and/or small structure(s) in this section.

Structure/NBI Number(s): To be determined Sufficiency Rating: N/A
 (Rating, Source of Information)

	Existing	Proposed
Bridge/Structure Type:	N/A	Continuous Prestress Girder
Number of Spans:	N/A	4
Weight Restrictions:	N/A ton	HL93 ton
Height Restrictions:	N/A ft.	N/A ft.
Curb to Curb Width:	N/A ft.	32'-0" ft.
Outside to Outside Width:	N/A ft.	45'-1" ft.
Shoulder Width:	N/A ft.	6'-0" ft.

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Describe impacts and work involving bridge(s), culvert(s), pipe(s), and small structure(s). Provide details for small structure(s): structure number, type, size (length and dia.), location and impacts to water. Use a table if the number of small structures becomes large. If the table exceeds a complete page, put it in the appendix and summarize the information below with a citation to the table.

There are no existing structures within the project area. The project involves the construction of a new grade separation bridge that will carry Hively Avenue over Main Street, the Norfolk Southern Railroad, and Sterling/Hammond Avenue. Hively Avenue will be realigned to the south of its current alignment to connect to the new bridge structure.

The new bridge will be a four-span continuous prestressed concrete bulb-tee bridge with wall piers, integral abutments and use mechanically stabilized earth (MSE) walls for the approaches. The bridge will be approximately 130 feet long and 45 feet wide with a 32-foot curb to curb width. The bridge will vary in height with a minimum clearance of 20.08 feet tall over the roadways and 23.32 feet over the railroad meeting height requirements. The bridge will provide two 12-foot travel lanes, and a 12-foot, 7-inch left shoulder which includes a 10-foot, 7-inch sidewalk, and a 6-foot right shoulder. A bridge number will be assigned to this structure as the design progresses.

The new bridge is being designed to be compliant with INDOT Standards and additionally Norfolk Southern RR requirements for horizontal and vertical clearances. The bridge is designed for the standard HL93 truck loading configuration.

MAINTENANCE OF TRAFFIC (MOT) DURING CONSTRUCTION:

	Yes	No
Is a temporary bridge proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is a temporary roadway proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will the project involve the use of a detour or require a ramp closure? (describe below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for access by local traffic and so posted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made for through-traffic dependent businesses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Provisions will be made to accommodate any local special events or festivals.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Will the proposed MOT substantially change the environmental consequences of the action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there substantial controversy associated with the proposed method for MOT?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discuss closures and/or facilities (if any) that will be provided for maintenance of traffic. Any known impacts from these temporary measures should be quantified to the extent possible, particularly with respect to properties such as Section 4(f) resources and wetlands. Any local concerns about access and traffic flow should be detailed as well.

The maintenance of traffic (MOT) plan for the project will be split into phases, Phase 1, Phase 2, and Phase 3 (Appendix B, pages 41, 43, and 45). Phase 1 will keep Hively Avenue open as construction begins south of Hively Avenue and closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing US 33 and CR 45 (Appendix B, page 39). Phase 2 will require temporary closures on Monger Avenue, sections of Hively Avenue, Roosevelt Avenue, Warren Street and a detour route will be provided utilizing Pleasant Plain Avenue, US 20, and CR 13 (Appendix B, page 43). Phase 3 includes the permanent closure of the existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment (Appendix B, page 45). One of the benefits of the preferred alternative is that the existing Hively Avenue roadway will remain open throughout most of the project construction and will only be closed for a few months during construction. Reference the MOT section of this document for additional MOT details. MOT will be provided for pedestrians and bicyclists utilizing local side streets. This MOT will be shown in the Stage 3 plans. The bus route which uses Main Street should be able to keep its normal route however Stop 43 may need to be temporarily moved during construction. There will be continued coordination with the City of Elkhart for the Interurban Trolley Red Line and included as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

The closures/lane restrictions will pose a temporary inconvenience to traveling motorists (including school buses and emergency services); however, no significant delays are anticipated as the existing Hively Avenue will remain open throughout most of construction and all inconveniences will cease upon project completion. Delays may occur during construction but will cease with project completion.

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ESTIMATED PROJECT COST AND SCHEDULE:

Engineering: \$ 1,058,937 (2022) Right-of-Way: \$ 3,500,000 (2023) Construction: \$ 10,336,869 (2024)

Anticipated Start Date of Construction: Spring 2024

RIGHT OF WAY:

Land Use Impacts	Amount (acres)	
	Permanent	Temporary
Residential	6.23	0.17
Commercial	3.72	0.14
Agricultural	0.00	0.00
Forest	0.00	0.00
Wetlands	0.00	0.00
Other: Church, School, Utility	0.37	0.57
Other:		
TOTAL	10.32	0.88

Describe both Permanent and Temporary right-of-way and describe their current use. Typical and Maximum right-of-way widths (existing and proposed) should also be discussed. Any advance acquisition, reacquisition or easements, either known or suspected, and their impacts on the environmental analysis should be discussed.

The existing typical ROW widths range from 25 feet from the centerline to a maximum width of 38 feet from the centerline in certain areas of the project area.

The project requires approximately 10.32 of permanent ROW to accommodate the proposed project footprint. The permanent ROW consists of approximately 6.23 acres that will be acquired from residential, 3.72 acres from commercial, and 0.37 acre from other land use including 0.11 acre from Elkhart Community Schools, 0.12 acre from churches, 0.14 acre from utilities. The project also requires approximately 0.88 acre of temporary ROW for grading and construction activities. The temporary ROW consists of approximately 0.17 acre from residential, 0.14 from commercial, and 0.57 acre from other land use including 0.02 from churches and 0.55 from the Norfolk Southern Railroad Company. A Master Property Impact Table that breaks down the ROW by parcel ID, address, and land use can be found in Appendix B, page 9.

If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately.

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Part III – Identification and Evaluation of Impacts of the Proposed Action

SECTION A - EARLY COORDINATION:

List the date(s) coordination was sent and all resource agencies that were contacted as a part of the development of this Environmental Study. Also, include the date of their response or indicate that no response was received.

Early coordination letters were sent on May 23, 2019. A copy of the early coordination letter and responses can be found in Appendix C, page 1. The early coordination recipient list is shown in Table 5 with the date responses were received.

Table 5. Early Coordination List

Agency	Date Sent	Date Response Received	Appendix
Indiana Geological and Water Survey (IGWS)	May 23, 2019	May 23, 2019	Appendix C, page 5
Indiana Department of Environmental Management (IDEM)	May 23, 2019	June 12, 2019	Appendix C, page 8
IDEM automated response	May 23, 2019	May 23, 2019	Appendix C, page 9
Indiana Department of Natural Resources, Division of Fish and Wildlife (IDNR, DFW)	May 23, 2019	June 19, 2019	Appendix C, page 19
United States Fish and Wildlife Service (USFWS)	May 23, 2019	May 29, 2019	Appendix C, page 35
United States Army Corps of Engineers (USACE)	May 23, 2019	June 14, 2019	Appendix C, page 21
Natural Resources Conservation Service (NRCS)	May 23, 2019	November 1, 2021	Appendix C, page 24
United States Environmental Protection Agency (USEPA)	May 23, 2019	June 13, 2019	Appendix C, page 25
Federal Highway Administration (FHWA)	May 23, 2019	May 24, 2019	Appendix C, page 31
United States Department of Housing & Urban Development (HUD)	May 23, 2019	No response received	N/A
National Park Service (NPS)	May 23, 2019	No response received	N/A
INDOT Central Office Environmental Services Division	May 23, 2019	No response received	N/A
INDOT Public Involvement Office	May 23, 2019	May 28, 2019	Appendix C, page 32
INDOT Fort Wayne District	May 23, 2019	May 24, 2019	Appendix C, page 33
City of Elkhart ROW Engineer	May 23, 2019	May 24, 2019	Appendix C, page 34
City of Elkhart Public Works and Utilities Department	May 23, 2019	No response received	N/A
Elkhart Local Floodplain Administrator	May 23, 2019	No response received	N/A
Elkhart County Surveyor	May 23, 2019	No response received	N/A
Elkhart Planning and Development	May 23, 2019	No response received	N/A
Elkhart County Parks and Recreation	May 23, 2019	No response received	N/A
Elkhart County Stormwater	May 23, 2019	No response received	N/A
Elkhart County Highway Department	May 23, 2019	No response received	N/A
Office of the Mayor of Elkhart	May 23, 2019	No response received	N/A
Greater Elkhart Chamber Commerce	May 23, 2019	No response received	N/A
Monger Elementary School	May 23, 2019	No response received	N/A

The USEPA responded on May 23, 2019 asking about additional project information (Appendix C, page 26). Coordination is on-going with the USEPA about the project and providing project information as the project progresses including coordination of the Phase II Environmental Site Assessment (ESA) once completed (Appendix C, page 27). This continued coordination has been added as a firm project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

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SECTION B – ECOLOGICAL RESOURCES:

Streams, Rivers, Watercourses & Other Jurisdictional Features

- Federal Wild and Scenic Rivers
- State Natural, Scenic or Recreational Rivers
- Nationwide Rivers Inventory (NRI) listed
- Outstanding Rivers List for Indiana
- Navigable Waterways

Presence

Impacts

Yes No

Total stream(s) in project area: N/A Linear feet Total impacted stream(s): N/A Linear feet

Stream Name	Classification	Total Size in Project Area (linear feet)	Impacted linear feet	Comments (i.e. location, flow direction, likely Water of the US, appendix reference)
N/A	N/A	N/A	N/A	N/A

Describe all streams, rivers, watercourses and other jurisdictional features adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if the streams or rivers are listed on any federal or state lists for Indiana. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on a desktop review, the aerial map of the project area (Appendix B, page 4), the water resource map in the Red Flag Investigation (RFI) report (Appendix E, page 11) there are eight streams, rivers, watercourse or jurisdictional ditches within the 0.5 mile search radius. That number was updated by the site visit on June 5, 2020 by Michael Baker. No streams, rivers, watercourses, or jurisdictional ditches are present within the project area, therefore, no impacts are expected.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the United States Fish and Wildlife Service (USFWS), Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM), United States Army Corps of Engineers (USACE). USFWS responded on May 29, 2019 stating that because the project will have minor impacts on natural resources USFWS will not be providing a comment letter (Appendix C, page 35). IDNR responded on June 19, 2019 with standard recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources (Appendix C, page 19). IDEM's auto generated responses dated May 23, 2019 listed standard recommendations for water and biotic quality (Appendix C, page 9). USACE responded on June 14, 2019 stating that the project may require a permit if any proposed work occurs within a water of the United States or adjacent wetlands (Appendix C, page 21). Since there are no streams or watercourses within the project area no commitments are applicable.

Open Water Feature(s)

- Reservoirs
- Lakes
- Farm Ponds
- Retention/Detention Basin
- Storm Water Management Facilities
- Other: _____

Presence

Impacts

Yes No

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Describe all open water feature(s) identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area (Appendix B, page 4), and the RFI report (Appendix E, page 11) there are six lakes within the 0.5 mile search radius. That number was updated by the site visit on June 5, 2020 by Michael Baker. No open water features are present within or adjacent to the project area, therefore, no impacts are expected.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the USFWS, IDNR, IDEM, and USACE. USFWS responded on May 29, 2019 stating that because the project will have minor impacts on natural resources USFWS will not be providing a comment letter (Appendix C, page 35). IDNR responded on June 19, 2019 with standard recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources (Appendix C, page 19). IDEM's auto generated responses dated May 23, 2019 listed standard recommendations for water and biotic quality (Appendix C, page 9). USACE responded on June 14, 2019 stating that the project may require a permit if any proposed work occurs within a water of the United States or adjacent wetlands (Appendix C, page 21). Since there are no open water features within the project area no commitments are applicable.

	Presence	Impacts	
	<input type="checkbox"/>	Yes	No
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total wetland area: <u> N/A </u> Acre(s)	Total wetland area impacted: <u> N/A </u> Acre(s)		

(If a determination has not been made for non-isolated/isolated wetlands, fill in the total wetland area impacted above.)

Wetland No.	Classification	Total Size (Acres)	Impacted Acres	Comments (i.e. location, likely Water of the US, appendix reference)
N/A	N/A	N/A	N/A	N/A

	Documentation	ESD Approval Dates
Wetlands (Mark all that apply)		
Wetland Determination	<input type="checkbox"/>	<input type="checkbox"/>
Wetland Delineation	<input type="checkbox"/>	<input type="checkbox"/>
USACE Isolated Waters Determination	<input type="checkbox"/>	<input type="checkbox"/>

Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (Mark all that apply and explain):

- Substantial adverse impacts to adjacent homes, business or other improved properties;
- Substantially increased project costs;
- Unique engineering, traffic, maintenance, or safety problems;
- Substantial adverse social, economic, or environmental impacts, or
- The project not meeting the identified needs.

Describe all wetlands identified adjacent or within the project area. Include whether or not impacts (both permanent and temporary) will occur to the features identified. Include if features are subject to federal or state jurisdiction. Discuss measures to avoid, minimize, and mitigate if impacts will occur.

Based on the desktop review, the aerial map of the project area (Appendix B, page 4), and the RFI report (Appendix E, page 11) there are nineteen wetlands within the 0.5 mile search radius. That number was updated to zero (0) by the June 5, 2020 site visit by Michael Baker. No wetlands are present within or adjacent to the project area, therefore, no impacts are expected.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the USFWS, IDNR, IDEM, and USACE. USFWS responded on May 29, 2019 stating that because the project will have minor impacts on natural resources USFWS will not be providing a comment letter (Appendix C, page 35). IDNR responded on June 19, 2019 with standard recommendations to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources (Appendix C, page 9). IDEM's auto generated responses dated May 23, 2019 listed standard recommendations for water and biotic quality (Appendix C, page 9). USACE responded on June 14, 2019 stating that the project may require a permit if any proposed work occurs within a water of the United

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States or adjacent wetlands (Appendix C, page 21). Since there are no wetlands within the project area no commitments are applicable.

	Presence	Impacts	
Terrestrial Habitat	<input checked="" type="checkbox"/>	Yes	No
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Total terrestrial habitat in project area: 6.57* Acre(s) Total tree clearing: 6.57 Acre(s)

Describe types of terrestrial habitat (i.e. forested, grassland, farmland, lawn, etc.) adjacent or within the project area. Include whether or not impacts will occur to habitat identified. Include total terrestrial habitat impacted and total tree clearing that will occur. Discuss measure to avoid, minimize, and mitigate if impacts will occur.

Based on a desktop review, a site visit on June 5, 2020 by Michael Baker, the aerial map of the project area (Appendix B, page 4), the project area is primarily residential and commercial. The residential areas consist of maintained upland vegetation and trees. The project will remove approximately 73 trees (*6.57 acres, calculated based on the IPaC conversion of 73 trees multiplied by 0.09). The total work area disturbance is anticipated to be approximately 20.6 acres which includes approximately 9 acres of maintained lawns, homes, commercial properties, and parking lots. This exceeds 1 acre; therefore, a Rule 5 permit is required. Mitigation is not anticipated for the tree removal as there is no permit or regulation that requires it. However, the project proposes to add green space within the area located between the newly realigned Roosevelt Avenue and Hively Avenue (Appendix B, page 11).

There are terrestrial habitats, including forested habitat, present adjacent to the project area however no impacts are expected. The tree removal will not occur in these forested areas and will be demarcated on plans as areas to avoid. All trees to be removed are within 100 feet from an existing roadway and will be clearly marked and will be removed during the inactive bat season. These have been added as project commitments and are included in the Environmental Commitments section of this EA document.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the USFWS, IDNR, IDEM, and USACE. IDNR responded on June 19, 2019 recommending to revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only; and minimize and contain within the project limits all tree and brush clearing; and do not cut any trees suitable for the Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30; and plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height. USFWS responded on May 29, 2021 stating that because the proposed project will have minor impacts on natural resources, and no Federally endangered species are known to be present, the USFWS will not be providing a comment letter. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Protected Species

Federally Listed Bats

	Yes	No
Information for Planning and Consultation (IPaC) determination key completed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Section 7 informal consultation completed (IPaC cannot be completed)	<input type="checkbox"/>	<input type="checkbox"/>
Section 7 formal consultation Biological Assessment (BA) required	<input type="checkbox"/>	<input type="checkbox"/>

Determination Received for Listed Bats from USFWS: NE NLAA LAA

Other Species not included in IPaC

	Yes	No
Additional federal species found in project area (based on IPaC species list)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State species (not bird) found in project area (based upon consultation with IDNR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Migratory Birds

	Yes	No
Known usage or presence of birds (i.e. nests)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State bird species based upon coordination with IDNR	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Discuss IDNR coordination and species identified. Describe USFWS Section 7 consultation and determination received for Indiana bat and northern long-eared bat impacts. Discuss if other federally listed species were identified. If so, include consultation that has occurred and the determination that was received. Discuss if migratory birds have been observed and any impacts.

Based on a desktop review and the RFI report (Appendix E, page 1) completed by Michael Baker on October 11, 2019, the IDNR Elkhart County Endangered, Threatened and Rare (ETR) Species List has been checked and is included in Appendix E, pages 14 to 17). According to the IDNR-DFW early coordination response letter dated June 19, 2019 (Appendix C, page 19), the Natural Heritage Program's Database has been checked. No federally threatened, endangered, or rare plant or animal species have been reported to occur in the project vicinity.

Project information was submitted through the USFWS's Information for Planning and Consultation (IPaC) portal, and an official species list was generated (Appendix C, page 51). The project is within range of the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). The Monarch Butterfly (*Danaus plexippus*) was listed as a candidate species however no critical habitats are located within the project area. In addition, coordination with IDNR and USFWS did not result in any species other than the Indiana bat and NLEB bat. The project qualifies for the USFWS Interim Policy.

The project qualifies for the *Range-wide Programmatic Informal Consultation for the Indiana bat and northern long-eared bat (NLEB)*, dated May 2016 (revised February 2018), between FHWA, Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and USFWS. An effect determination key was completed on December 21, 2021, and based on the responses provided, the project was found to "May Affect Not Likely to Adversely Affect" the Indiana bat and/or the NLEB (Appendix C, page 36). INDOT reviewed and verified the effect finding on December 22, 2021 and requested USFWS's review of the finding. No response was received from USFWS within the 14-day review period; therefore, it was concluded they concur with the finding. Avoidance and Minimization Measures (AMMs) that are applicable to this project include: General AMMs, Lighting AMMs, and Tree Removal AMMs. All AMMs and/or commitments are included as firm commitments in the Environmental Commitments section of this EA document.

An additional firm commitment has been added that a final inspection be conducted prior to the demolition of any structure: Bat Structure Assessment by a qualified individual must be completed prior to demolition of any structure. Inspection of the structure should check for the presence of bats or birds. If signs of bats or birds are documented during this inspection, the INDOT District Environmental Manager must be contacted immediately. This firm commitment is included in the Environmental Commitments section of this EA document.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act, as amended. If new information on endangered species at the site becomes available, or if project plans are changed, USFWS will be contacted for consultation.

Geological and Mineral Resources

- Project located within the Potential Karst Features Area of Indiana
- Karst features identified within or adjacent to the project area
- Oil/gas or exploration/abandoned wells identified in the project area

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Date Karst Study/Report reviewed by INDOT EWPO (if applicable): N/A

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Discuss if project is located in Potential Karst Features Area of Indiana and if any karst features have been identified in the project area (from RFI). Discuss response received from IGWS coordination. Discuss if any mines, oil/gas, or exploration/abandoned wells were identified and if impacts will occur. Describe if any impacts will occur to any karst features. Include discussion of karst study/report was completed and results. (Karst investigation must comply with the current Karst MOU and coordinated and reviewed by INDOT EWPO)

Based on a desktop review, the project is located outside the designated karst region of Indiana as outlined in the most current *Protection of Karst Features during Project Development and Construction*. According to the topo map of the project area (Appendix B, page 2) and the RFI report (Appendix E, page 1), there are no karst features identified within or adjacent to the project area. In the early coordination response dated May 23, 2019, the Indiana Geological and Water Survey (IGWS) did not indicate that karst features exist in the project area (Appendix C, page 5). IGWS identified that there are geological hazards including moderate liquefaction protentional, floodway; mineral resources including moderate potential for bedrock resource and high potential for sand and gravel resource; and abandoned industrial minerals sand gravel pits. The features will not be affected because there are no sand or gravel sites within or adjacent to the project area. The RFI report did not indicate any mining/mineral resources within or adjacent to the project area (Appendix E, page 1). The response from IGWS has been communicated with the designer on May 23, 2019. No impacts are expected.

SECTION C – OTHER RESOURCES

Drinking Water Resources

- Wellhead Protection Area(s)
- Source Water Protection Area(s)
- Water Well(s)
- Urbanized Area Boundary
- Public Water System(s)

Presence

X
X

Impacts

Yes	No
	X
X	

Is the project located in the St. Joseph Sole Source Aquifer (SSA):

- If Yes, is the FHWA/EPA SSA MOU Applicable?
- If Yes, is a Groundwater Assessment Required?

Yes	No
X	
X	
	X

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Check the appropriate boxes and discuss each topic below. Provide details about impacts and summarize resource-specific coordination responses and any mitigation commitments. Reference responses in the Appendix.

Sole Source Aquifer

The Environmental Protection Agency's Sole Source Aquifer website (<https://www.epa.gov/dwssa>) was accessed on May 23, 2019 by Michael Baker. The proposed project is located in Elkhart County, which is located within the area of the St. Joseph Sole Source Aquifer, the only legally designated sole source aquifer in the state of Indiana. The EPA/INDOT Sole Source Aquifer Memorandum of Understanding (MOU) is applicable to this project (Appendix L, page 1). The USEPA responded on May 23, 2019 asking about additional project information (Appendix C, page 25). Coordination is on-going with the USEPA about the project and providing project information as the project progresses including coordination of the Phase II Environmental Site Assessment (ESA) once completed (Appendix C, page 27). The INDOT/EPA MOU states the following that the EPA review will result in one of the following determinations described below. EPA agrees to provide its determination in writing.

a. If EPA determines the proposed project as designed most likely will not result in contamination of the SSA so as to create a significant hazard to public health, EPA intends to inform the requestor (e.g., applicant for FHWA federal-aid highway project or its designee) that no further assessment or evaluation is required under the SSA program. Prior to federal financial assistance for projects within the SSA, INDOT and FHWA agree to review funding applications to confirm that either this determination has been documented by EPA or that the project is exempt from EPA SSA Review (see below).

b. If EPA determines the project has the potential to result in contamination of the SSA so as to create a significant hazard to public health, EPA intends to inform the requestor (e.g., applicant for FHWA federal-aid highway project or its designee), as well as INDOT and FHWA, that a *Detailed Ground Water Impact Assessment* is required.

- 1) If such a determination is made, EPA and FHWA plan to discuss measures that must be implemented to ensure that any contamination of the SSA will not create a significant hazard to the public health; and
- 2) The FHWA and INDOT agree to inspect and monitor to ensure that such measures are implemented.

The EPA has not identified in writing that a Detailed Ground Water Assessment is required at this time. They have requested continued coordination and review of the Phase II ESA. This continued coordination has been added as a firm project commitment in the Environmental Commitment section of this EA.

Wellhead Protection Area and Source Water

The Indiana Department of Environmental Managements Wellhead Proximity Determinator website (<http://www.in.gov/idem/cleanwater/pages/wellhead/>) was accessed on May 23, 2019 by Michael Baker. This project is not located within a Wellhead Protection Area or Source Water Area. In an early coordination letter dated June 12, 2019, IDEM stated the project is not located within a wellhead protection area but is located close to a wellhead protection area (Appendix C, page 8). No impacts are expected.

Water Wells

The Indiana Department of Natural Resources Water Well Record Database website (<https://www.in.gov/dnr/water/3595.htm>) was accessed on May 23, 2019 by Michael Baker. Two unconsolidated wells are shown on the IDNR water well viewer map but were not field identified. The physical address of the owner address locates the wells outside the project construction limits; therefore, there are likely no wells located within the project area. Therefore, no impacts are expected. Should it be determined during the ROW phase that water wells will be affected, a cost to cure will likely be included in the appraisal to restore the wells.

Urban Area Boundary

Based on a desktop review in the RFI (Appendix E, page 12) by Michael Baker on October 11, 2019 this project is located in an Urban Area Boundary (UAB). An early coordination letter was sent on May 23, 2019 to the Elkhart County Stormwater MS4 coordinator. The MS4 coordinator did not respond within the 30-day time frame.

Public Water System

Based on a desktop review, a site visit on June 5, 2020 by Michael Baker, the aerial map of the project area (Appendix B, page 4), the 2019 Engineer's Report, and review of the plans in Appendix B, this project is located where there is a public water system. The public water system belongs to the City of Elkhart. Coordination with the City of Elkhart had occurred throughout the project for all utility relocations including moving waterlines and mains that will be within the construction limits of the Hively Avenue Overpass. Coordination will continue with the City of Elkhart as project plans are finalized.

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Floodplains

	<u>Presence</u>
Project located within a regulated floodplain	<input type="checkbox"/>
Longitudinal encroachment	<input type="checkbox"/>
Transverse encroachment	<input type="checkbox"/>
Homes located in floodplain within 1000' up/downstream from project	<input type="checkbox"/>

<u>Impacts</u>	
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

If applicable, indicate the Floodplain Level?

Level 1 Level 2 Level 3 Level 4 Level 5

Use the IDNR Floodway Information Portal to help determine potential impacts. Include floodplain map in appendix. Discuss impacts according to the classification system. If encroachment on a flood plain will occur, coordinate with the Local Flood Plain Administrator during design to insure consistency with the local flood plain planning.

The Indiana Department of Natural Resources Indiana Floodway Information Portal website (<http://dnrmmaps.dnr.in.gov/appsphp/fdms/>) was accessed on May 23, 2019 by Michael Baker. This project is not located in a regulatory floodplain as determined from approved IDNR floodplain maps (Appendix F, page 1). Therefore, it does not fall within the guidelines for the implementation of 23 CFR 650, 23 CFR 771, and 44 CFR. No impacts are expected.

The USACE response dated June 14, 2019 stated, "review of the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map database indicates that the project site is not within a Federally mapped floodplain (Enclosure). As the FEMA mapping is for flood insurance purposes, it does not address all floodplains, especially smaller ones. We recommend that you coordinate the grade separation proposal with local officials and with the Indiana Department of Natural Resources regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with local and state floodplain management regulations and acts, such as the Indiana Flood Control Act (IC 13-2-22). If you obtain information that any part of your project would impact the floodplain, you should consider other alternatives that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain."

IDNR responded to early coordination on June 19, 2019 stating that formal approval by the DNR under the regulatory programs administered by the Division of Water is not required for this project (Appendix C, page 19).

Farmland

	<u>Presence</u>
Agricultural Lands	<input type="checkbox"/>
Prime Farmland (per NRCS)	<input type="checkbox"/>

<u>Impacts</u>	
Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Total Points (from Section VII of CPA-106/AD-1006*) _____
**If 160 or greater, see CE Manual for guidance.*

Discuss existing farmland resources in the project area, impacts that will occur to farmland, and mitigation and minimization measures considered.

Based on a desktop review, a site visit on May 8, 2019 by Michael Baker, the aerial map of the project area (Appendix B, page 4), there is no land that meets the definition of farmland under the Farmland Protection Policy Act (FPPA) within or adjacent to the project area. The requirements of the FPPA do not apply to this project; therefore, no impacts are expected. An early coordination letter was sent on May 23, 2019 to Natural Resources Conservation Services (NRCS).

NRCS responded to early coordination on November 1, 2021 stating that the proposed project will not cause a conversion of prime farmland (Appendix C, page 24).

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SECTION D – CULTURAL RESOURCES

Minor Projects PA Category(ies) and Type(s) INDOT Approval Date(s) N/A

Full 106 Effect Finding

No Historic Properties Affected No Adverse Effect Adverse Effect

Eligible and/or Listed Resources Present

NRHP Building/Site/District(s) Archaeology NRHP Bridge(s)

Documentation Prepared (mark all that apply)

APE, Eligibility and Effect Determination
 800.11 Documentation
 Historic Properties Report or Short Report
 Archaeological Records Check and Assessment
 Archaeological Phase Ia Survey Report
 Archaeological Phase Ic Survey Report
 Other:

ESD Approval Date(s)

SHPO Approval Date(s)

<input checked="" type="checkbox"/>	10/5/2021	10/27/2021
<input checked="" type="checkbox"/>	10/5/2021	10/27/2021
<input checked="" type="checkbox"/>	3/19/2021	4/15/2021
<input checked="" type="checkbox"/>	3/23/2021 & 10/5/2021	4/15/2021 & 10/27/2021
<input type="checkbox"/>		
<input type="checkbox"/>		

MOA Signature Dates (List all signatories)

Memorandum of Agreement (MOA)

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If the project falls under the MPPA, describe the category(ies) that the project falls under and any approval dates. If the project requires full Section 106, use the headings provided. The completion of the Section 106 process requires that a Legal Notice be published in local newspapers. Please indicate the publication date, name of the paper(s) and the comment period deadline. Include any further Section 106 work which must be completed at a later date, such as mitigation from a MOA or avoidance commitments.

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that federal agencies identify and assess the effects of federal projects, programs, and actions on historic resources. This includes projects that are supported by federal funds. The Section 106 process was managed by SJCA Inc. (formerly Green 3, LLC), who is listed on the IDNR Department of Historic Preservation and Archaeology's Roster of Qualified Professionals.

Area of Potential Effect (APE): According to 36 FCR 800.16(d), the APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” The APE for this project includes all properties adjacent to the project and those with a proximate viewshed of the project. The dimensions of the above-ground APE were defined by the new bridge construction over the railroad tracks, realignment of Hively Avenue, urban residential development, and mature vegetation. The APE measures approximately 0.72 mile long and 0.42 mile wide. The archaeological APE consists of all proposed new, temporary, or existing right-of-way as well as any additional areas of investigation beyond it (Appendix D, page 16). Refer to Appendix D, page 49 to 50 for aerial maps of the APE.

Coordination with Consulting Parties: On June 8, 2020, the following parties were sent early coordination letters and invitations to become Consulting Parties as shown in Table 6 (Appendix D, pages 25 to 32).

Table 6. Consulting Parties List

Consulting Party	Respond to Invitation?
Elkhart County Historian	No
Elkhart County Historical Museum	No
Elkhart Historic and Cultural Preservation Commission	No
Michiana Area Council of Governments	No
Elkhart County Commissioners	No
Elkhart Street Department	No
Indiana Landmarks, Northern Regional Office	No
Mayor of Elkhart	No
Forest County Potawatomi Community	Yes to becoming a Consulting Party on 7/8/2020 (Appendix D, page 37 to 38)
Eastern Shawnee Tribe of Oklahoma	Yes to becoming a Consulting Party on 11/10/2021 (Appendix D, page 6 to 7)
Miami Tribe of Oklahoma	Yes to becoming a Consulting Party on 6/23/2020 (Appendix D, page 34)
Peoria Tribe of Indians of Oklahoma	Yes to becoming a Consulting Party on 10/7/2021 (Appendix D, page 5)
Pokagon Band of Potawatomi Indians	Yes to becoming a Consulting Party on 4/23/2021 (Appendix D, page 46)
Delaware Nation of Oklahoma	No

Note: The IDNR State Historic Preservation Officer (SHPO) is an automatic Consulting Party. FHWA is the lead federal agency and INDOT CRO is the acting representative of the FHWA.

The Miami Tribe of Oklahoma replied on June 23, 2020 (Appendix D, page 33) and accepted the invitation to be a consulting party. They stated the Miami Tribe offers no objection to the project and they are not aware of existing documentation directly linking a specific cultural site to the project.

SHPO responded on July 7, 2020 (Appendix D, page 34 to 35) and stated they were unaware of any other parties who should be invited to participate in the Section 106 consultation beyond those whom INDOT had already invited. The agency also advised that, should any potentially historic property be identified and possibly impacted, the owners of said property should be added to the early coordination list. SHPO staff also requested to know which “of the invited consulting parties have accepted the invitation.”

The Forest County Potawatomi Community replied on July 8, 2020 (Appendix D, page 36 to 37) and accepted the invitation to be a consulting party. They stated they would like to review the archaeological report associated with the project.

The Pokagon Band of Potawatomi Indians, the Peoria Tribe of Indians of Oklahoma, and the Eastern Shawnee Tribe of Oklahoma

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did not respond during the 30-day comment period; however, they did respond to the Archaeological Report on April 23, 2021 (Appendix D, page 46) and the Addendum to the Archaeological Report on October 7, 2021 (Appendix D, pages 5) and November 10, 2021 (Appendix D, pages 6 to 7), respectively. See the Archaeology subsection for more information.

Archaeology: SJCA Inc. prepared a Phase Ia Archaeological Literature Review and Reconnaissance Survey (Jackson, March 2021). The report was approved by INDTO CRO and distributed to participating tribes and SHPO for review on March 24, 2021 (Appendix D, pages 40 to 42). The investigation identified two sites within the project area. Both sites were historic scatters that date to the early and mid-to-late 20th century, respectively. It was determined neither site provided information that would enhance understanding of the 20th century history of the region; therefore, both sites failed to meet the minimum criteria for placement on the NRHP. The report recommended that the project be allowed to proceed and planned (Appendix D, pages 51 to 54).

SHPO concurred with the findings in the report in their letter dated April 15, 2021 (Appendix D, pages 43 to 44). SHPO agreed no further work would be required “with the exception of the parcel within ‘Lot 9’ that was not surveyed due to lack of landowner permission” and that they would review the results of the additional survey if work could be completed.

The Pokagon Band of Potawatomi Indians replied on April 23, 2021 (Appendix D, page 45) and stated that they had determined “there will be No Historic Properties in Area of Potential Effects (APE) significant to the Pokagon Band of Potawatomi Indians.” They additionally requested that if any archaeological resources are discovered during construction, their agency is contacted. No other Consulting Parties provided a response regarding archaeology.

SJCA Inc. completed the Addendum to the Archaeological Report (Jackson, August 2021). The Addendum to the Archaeological Report examined Lot 9, which had been bypassed during the original investigation due to a lack of landowner permission, as well as additional temporary right-of-way and a truck route having been added after the original survey. The addendum was approved by INDOT CRO on October 5, 2021 and distributed to participating tribes and SHPO for review on October 6, 2021. The investigation identified one site within the project area. The site was historic scatter that dated to the mid-20th century. It was determined the site would not provide information that would enhance understanding of the 20th century history of the region; therefore, the site failed to meet the minimum criteria for placement on the NRHP. The report recommended that the project be allowed to proceed as planned (Appendix D, pages 54 to 55).

SHPO concurred with the findings of the addendum in their letter dated October 27, 2021 (Appendix D, pages 2 to 3). SHPO agreed no further archaeological work would be necessary.

The Peoria Tribe of Indians of Oklahoma replied on October 7, 2021 (Appendix D, page 5) and stated they had no “documentation directly linking Indian Religious Sites to the newly proposed project location” and that they were unaware of any cultural items or artifacts covered under the NAGPRA associated with the project site. The Peoria Tribe stated they therefore had no objection to the project.

The Eastern Shawnee Tribe of Oklahoma replied on November 10, 2021 (Appendix D, pages 6 to 7) and stated their ancestors previously occupied the project area; however, they determined that the project proposed “No Adverse Effect or endangerment to known sites of interest” to the Eastern Shawnee Tribe. They requested that if any archaeological resources are discovered during construction, their agency is contacted. No other Consulting Parties provided a response regarding archaeology.

Historic Properties: SJCA Inc. prepared the HPSR for this project (Wood, March 2021). The report concluded the APE contains no properties listed in the NRHP and that no resources were eligible for listing in the NRHP (Appendix D, pages 48 to 49). INDOT CRO approved the HPSR for distribution to SHPO and Consulting Parties on March 19, 2021, and the HPSR was forwarded to SHPO and Consulting parties on March 24, 2021. The SHPO responded to the HPSR mailing on April 15, 2021, stating that the agency agrees with the consultant’s conclusions that there are no properties listed or eligible for the NRHP within the project APE (Appendix D, pages 44 to 45). No other Consulting Parties provided a response regarding the HPSR.

Documentation Findings: A Finding of “No Historic Properties Affected” for this project was approved by INDOT CRO for distribution to Consulting Parties and SHPO on October 5, 2021 (Appendix D, pages 15 to 20). There were changes to the project scope after the HPSR had been approved and distributed to Consulting Parties. These changes were documented in the 800.11 distribution letter, and the updated historic properties findings were added to the 800.11 documentation. The findings of the HPSR were not changed and no listed or eligible properties were found within the project APE (Appendix D, pages 19 to 20).

The Effect Finding documentation was provided to SHPO and Consulting Parties on October 6, 2021 (Appendix D, pages 9 to 14). SHPO concurred with the “No Historic Properties Affected” finding in their letter dated October 27, 2021 (Appendix D, pages 2 to 3). No other responses from Consulting Parties were received.

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Public Involvement: A notice informing the public of the finding and opportunity to comment on the “No Historic Properties Affected” finding was published in the *Elkhart Truth* on October 9, 2021. No comments were received during the public comment period, which ended on November 9, 2021. The text of the public notice and the affidavit of publication appear in Appendix D, pages 22 to 23.

This completes the Section 106 process and the responsibilities of the FHWA under Section 106 have been fulfilled.

SECTION E – SECTION 4(f) RESOURCES/ SECTION 6(f) RESOURCES

	<u>Presence</u>	<u>Use</u>	
		<u>Yes</u>	<u>No</u>
Parks and Other Recreational Land			
Publicly owned park	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Publicly owned recreation area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (school, state/national forest, bikeway, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildlife and Waterfowl Refuges			
National Wildlife Refuge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National Natural Landmark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Wildlife Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Nature Preserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Properties			
Site eligible and/or listed on the NRHP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Evaluations Prepared</u>			
Programmatic Section 4(f)	<input type="checkbox"/>		
“De minimis” Impact	<input type="checkbox"/>		
Individual Section 4(f)	<input type="checkbox"/>		
Any exception included in 23 CFR 774.13	<input checked="" type="checkbox"/>		

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Discuss Programmatic Section 4(f) and "de minimis" Section 4(f) impacts in the discussion below. Individual Section 4(f) documentation must be included in the appendix and summarized below. Discuss proposed alternatives that satisfy the requirements of Section 4(f). FHWA has identified various exceptions to the requirement for Section 4(f) approval. Refer to 23 CFR § 774.13 - Exceptions.

Section 4(f) of the U.S. Department of Transportation Act of 1966 prohibits the use of certain public and historic lands for federally funded transportation facilities unless there is no feasible and prudent alternative. The law applies to significant publicly owned parks, recreation areas, wildlife/waterfowl refuges, and NRHP eligible or listed historic properties regardless of ownership. Lands subject to this law are considered Section 4(f) resources.

Based on a desktop review, the aerial map of the project area (Appendix B, page 4), and the RFI report (Appendix E, page 1), there is one potential 4(f) resource located within the 0.5 mile search radius. According to additional research and by the site visit on June 5, 2020 by Michael Baker, there are two 4(f) resources, MapleHeart Trail and Monger Elementary School, located within or adjacent to the project area.

MapleHeart Trail is a public trail. The City of Elkhart is the official with jurisdiction (OWJ). The project qualifies for a Section 4(f) exception for transportation enhancement activities under 23 CFR 774.13(d) which is temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) where the following conditions must be satisfied:

- (1) Duration must be temporary, *i.e.*, less than the time needed for construction of the project, and there should be no change in ownership of the land;
- (2) Scope of the work must be minor, *i.e.*, both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
- (3) There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
- (4) The land being used must be fully restored, *i.e.*, the property must be returned to a condition which is at least as good as that which existed prior to the project; and
- (5) There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The entire project will be constructed in three phases, Phase 1, Phase 2, and Phase 3. The construction of the realignment the MapleHeart Trail, due to the realignment of Hammond/Sterling Avenue, will occur in Phase 1 of the project and the trail is anticipated to be open in Phase 2 and Phase 3 of the project. A pedestrian detour route will be provided for each Phase of the project. The ownership of the MapleHeart Trail will remain under the jurisdiction of the City of Elkhart. No adverse physical impacts are anticipated, and the condition will be at least as good as that which existed prior to the project or better. MOT will be provided for the trail utilizing local side streets. The MOT for the trail detour will be provided in the Stage 3 plans. The City of Elkhart concurred with the proposed project and temporary occupancy of the MapleHeart Trail in a letter signed April 5, 2022 (Appendix K, page 3).

Monger Elementary School is a public school located at the west end of the project. The project will require approximately 0.11 acre of permanent ROW from a maintained lawn area of the school's parking lot (Appendix B, page 8). The parking lot spaces and use will not be impacted. Section 4(f) applicability would not apply to this portion of the school as its primary function is not for public recreation. The project team coordinated with Elkhart Community Schools to discuss the project, anticipated impacts, and address any concerns (Appendix G, page 126). The school district stated they prefer 8 feet sidewalks for maintenance and snow removal. The project team will incorporate this request in the plans and provide an 8 feet sidewalk within the vicinity of the school. This is included as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Section 6(f) Involvement

Presence

Use

Section 6(f) Property

Yes

No

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Discuss Section 6(f) resources present or not present. Discuss if any conversion would occur as a result of this project. If conversion will occur, discuss the conversion approval.

The U.S. Land and Water Conservation Fund Act of 1965 established the Land and Water Conservation Fund (LWCF), which was created to preserve, develop, and assure accessibility to outdoor recreation resources. Section 6(f) of this Act prohibits conversion of lands purchased with LWCF monies to a non-recreation use.

A review of 6(f) properties on the INDOT ESD website revealed a total of 20 properties in Elkhart County (Appendix K, page 1). None of these properties are located within or adjacent to the project area. Therefore, there will be no impacts to 6(f) resources.

SECTION F – Air Quality

STIP/TIP and Conformity Status of the Project

	Yes	No
Is the project in the most current STIP/TIP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the project located in an MPO Area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the project in an air quality non-attainment or maintenance area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, then:		
Is the project in the most current MPO TIP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the project exempt from conformity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If No, then:		
Is the project in the Transportation Plan (TP)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is a hot spot analysis required (CO/PM)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Within the Michiana Area Council of Governments (MACOG) TIP on page 1, which has been directly incorporated into the FY 2022-2026 STIP

Location in STIP:

Name of MPO (if applicable):

Michiana Area Council of Governments
MACOG

Location in TIP (if applicable):

2022-2026 TIP (Appendix H, page 5)

Level of MSAT Analysis required?

Level 1a Level 1b Level 2 Level 3 Level 4 Level 5

Describe if the project is listed in the STIP and if it is in a TIP. Describe the attainment status of the county(ies) where the project is located. Indicate whether the project is exempt from a conformity determination. If the project is not exempt, include information about the TP and TIP. Describe if a hot spot analysis is required and the MSAT Level.

This project is included in the Fiscal Year (FY) 2022-2026 MACOG Transportation Improvement Program (MPO TIP) (Appendix H, page 5).

The project is located in Elkhart County, which is currently in non-attainment for 1-Hour Ozone and 8-Hour Ozone according to IDEM's website: <https://www.in.gov/idem/sips/nonattainment-status-of-counties/>. The Ozone 8-hour standard was revoked in 2015 but is being evaluated for conformity due to the February 16, 2018, South Coast Air Quality Management District V. Environmental Protection Agency, Et. Al. Decision). The project's design concept and scope are accurately reflected in both the MACOG regional plan: *Michiana on the Move: Transportation Plan 2045* and the Transportation Improvement Plan (TIP) and both conform to the State Implementation Plan (SIP). Therefore, the conformity requirements of 40 CFR 93 have been met.

This project is a type qualifying as a categorical exclusion (Group 1) under 23 CFR 771.117 (c), or exempt under the Clean Air Act conformity rule under 40 CFR 93.126, and as such a Mobile Source Air Toxics analysis is not required.

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SECTION G - NOISE

Noise

Yes No

Is a noise analysis required in accordance with FHWA regulations and INDOT's traffic noise policy?

Date Noise Analysis was approved/technically sufficient by INDOT ESD: May 25, 2021

Describe if the project is a Type I or Type III project. If it is a Type I project, describe the studies completed to date and if noise impacts were identified. If noise impacts were identified, describe if abatement is feasible and reasonable and include a statement of likelihood.

A Noise Technical Report was conducted by Michael Baker on May 24, 2021 (Appendix I, page 1). A Type I noise analysis was performed. Seven existing ambient measurements were recorded. Two of the ambient levels approached or exceeded the NAC criteria. A total of 128 location sites representing 128 receptors were modeled for the existing, design year build and no-build alternatives. Existing modeled Leq noise levels ranged from 41.6 dBA to 68.7 dBA (Interior; 29.5 dBA to 32.3 dBA). There were seven receptors that approach or exceed the applicable NAC criteria as defined in the INDOT Traffic Noise Analysis Procedure. These locations consisted of seven residential land uses. An evaluation of the design year No Build scenario resulted in the identification of 10 residences that approached or exceeded the NAC criteria.

The analysis summary predicted 14 total impacts (14 NAC and zero substantial increase impacts). There were no barriers that met INDOT's criteria for "feasibility". Therefore, no barriers are proposed to be carried forward as a result of this preliminary analysis. A final determination on noise abatement will be made during the final design phase of the project. At such time, additional noise analysis will be performed as applicable to more accurately determine barrier performance, barrier characteristics (length and height), and the optimal barrier location for any potential noise barriers that may be recommended for noise abatement.

This noise analysis was based on preliminary design criteria. INDOT reviewed the noise analysis on May 25, 2021 and found it to be technically sufficient (Appendix I, page 52). A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed and noise impacts are identified, noise abatement will be evaluated at that time as to whether it is feasible and reasonable. This has been added as a firm commitment in the Environmental Commitment Section of this document.

SECTION H – COMMUNITY IMPACTS

Regional, Community & Neighborhood Factors

Yes No

Will the proposed action comply with the local/regional development patterns for the area?	X	
Will the proposed action result in substantial impacts to community cohesion?		X
Will the proposed action result in substantial impacts to local tax base or property values?		X
Will construction activities impact community events (festivals, fairs, etc.)?		X
Does the community have an approved transition plan?	X	
If No, are steps being made to advance the community's transition plan?		
Does the project comply with the transition plan? (explain in the discussion below)	X	

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Discuss how the project complies with the area's local/regional development patterns; whether the project will impact community cohesion; and impact community events. Discuss how the project conforms with the ADA Transition Plan.

As with any proposed major infrastructure improvement, the community and, specifically, adjacent property owners and occupants will experience some degree of direct, indirect, and cumulative impacts.

Residential property impacts will require land acquisition and relocation assistance. To further address this issue, a draft Conceptual Stage Relocation Study (CSRS) has been prepared (Appendix N, page 1). There are also business impacts including the proposed relocation of the Speedwash Laundromat, Hunter's Restaurant, a Kentucky Fried Chicken, 7-11 gas station, all resources that are utilized by the community. In addition, there are two growing businesses Pavel's Auto and Moreno's Roofing that will be relocated. These businesses will most likely not be able to be relocated within the project vicinity. In addition, direct access from Homer Avenue to Hively Avenue will be cut off and a cul-de-sac will be added at the north end of Homer Avenue.

Elkhart County has an approved ADA transition plan viewable online at <http://www.elkcohw.org/resources/ada/ada-transition-plan/>. The City of Elkhart has an approved ROW ADA Transition Plan, which is viewable online at https://elkhartindiana.org/wpfd_file/right-of-way-ada-transition-plan/. The project is in compliance with both the County and City's ADA transition plans.

An event calendar was viewed on Elkhart Counties website <https://www.visitelkhartcounty.com/events/>. Close coordination had been conducted with the City of Elkhart about the timing of construction and any community events that may be planned. In addition, the City of Elkhart upcoming events calendar was viewed on the City's main website page <https://elkhartindiana.org/>. No community events are planned for the immediate project area during the time of construction. Therefore, impacts to community events are not expected.

The project is located within a Tax Increment Financing (TIF) District (Appendix K, page 8). The condensed TIF has 2,796 parcels and the total revenue of this TIF is approximately 1.9 million. The project will impact 17 parcels which is 0.61% impact to the total parcels within the consolidated TIF. The project will create a loss of approximately \$47,671 (total tax collected from parcels) which is 2.51% loss of the total revenue (Appendix K, page 9). Coordination was conducted with the City of Elkhart Assistant Director for Economic Development and the TIF Infrastructure Project Supervisor. They provided the following information (Appendix K, page 10):

- Project has long term positive impact for both residential and commercial uses in that it reduces congestion and traffic backup in this corridor.
- The loss of residential parcels with respect to their contribution to TIF increment will be negligible.
- Local commercial businesses that are displaced have ample opportunities to relocate within the corridor.
- The short-term disruption of traffic flow is manageable and not deemed to be an impediment to economic development.

The proposed project has numerous benefits to the community. The bridge overpass will alleviate the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allow vehicular traffic, bicycle and pedestrian movements and trains to move independent of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area. The sidewalk network will be greatly improved; new, connected, ADA compliant sidewalks along Hively Avenue and adjacent side streets, Main Street, Roosevelt Avenue, and Hammond Avenue allow a connection to Monger Elementary School, El Rosal supermarket, churches, residential and businesses; an overall benefit to the community. The sidewalk improvements in the vicinity of Monger Elementary are consistent with Safe Routes to School goals identified in local plans. The improved sidewalks also provide connectivity to the MapleHeart Trail which is lacking in the existing condition; this will also improve neighborhood connectivity to the Environmental Center. The City of Elkhart has also committed to adding new signage for the Environmental Center (located outside of the Study Area) which has been added as a project commitment. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Pedestrian access to the transit stop will be improved with ADA compliant sidewalk and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside. The MOT of the preferred alternative keeps the existing Hively Avenue roadway open throughout most of the project construction and will only be closed for a few months during construction.

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Public Facilities and Services

Discuss what public facilities and services are present in the project area and impacts (such as MOT) that will occur to them. Include how the impacts have been minimized and what coordination has occurred. Some examples of public facilities and services include health facilities, educational facilities, public and private utilities, emergency services, religious institutions, airports, transportation or public pedestrian and bicycle facilities.

Based on a desktop review, the aerial map of the project area (Appendix B, page 4) and the RFI report (Appendix E, page 1), there are thirteen (13) facilities located within the 0.5 mile of the project. That number was updated to four (4) facilities by the site visit on June 5, 2020 by Michael Baker. The project area includes two (2) religious facilities, Zion Missionary Church and El Divino Redentor, one (1) school, Monger Elementary School, and one (1) trail, MapleHeart Trail. The project will temporarily impact these resources with minor inconveniences during construction. Access will be maintained to the churches and school throughout construction although alternate detour routes may need to be used. A detour route will be provided for pedestrians, bicyclists, and for the trail. Coordination with these facilities has occurred throughout the project.

Overall, the project will improve connectivity within the project area to these facilities. The ADA compliant sidewalks will provide improved pedestrian connections to the churches, school, and trail. The sidewalk improvements in the vicinity of Monger Elementary are consistent with Safe Routes to School goals identified in local plans including the Michiana Area Council of Governments (MACOG) *Michiana on the Move: Transportation Plan 2045*. The reduction in traffic backups should also improve access points to these facilities.

Early coordination letters were sent on May 23, 2019 by Michael Baker to the City of Elkhart Public Works and Utilities Department, Office of the Mayor of Elkhart, Elkhart County Surveyor, Elkhart County Planning and Development, Elkhart County Parks and Recreation, Elkhart County Stormwater, Elkhart County Highway Department, Greater Elkhart Chamber of Commerce, and Monger Elementary School. The ROW Engineer from the City of Elkhart Public Works and Utilities responded (Appendix C, page 34). No other responses were received. A City of Elkhart Executive Briefing was held on June 22, 2021 with the City of Elkhart and the Mayor to discuss the preferred alternative. This meeting identified additional information such as traffic flow exhibits that were shown during the PIM #3.

In addition to early coordination letters, draft CSRS and KTM's held with owners, residents and businesses being impacted by the project, the project team met with Elkhart Community Schools and the El Rosal local supermarket to discuss the project, anticipated impacts, and address any concerns (Appendix G, page 122). The school district stated they would prefer 8 feet sidewalks for maintenance and snow removal. The project team is incorporating this request in the plans and will provide an 8 feet sidewalk within the vicinity of the school. This is included as a project commitment. It was discussed with El Rosal that there will be minor impacts to their parking lot. There will be continued coordination over reconfiguring and restriping the parking lot. This is included as a project commitment.

It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. All applicable recommendations are included in the Environmental Commitments section of this EA document.

Environmental Justice (EJ) (Presidential EO 12898)

During the development of the project were EJ issues identified?

Does the project require an EJ analysis?

If YES, then:

Are any EJ populations located within the project area?

Will the project result in adversely high and disproportionate impacts to EJ populations?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Indicate if EJ issues were identified during project development. If an EJ analysis was not required, discuss why. If an EJ analysis was required, describe how the EJ population was identified. Include if the project has a disproportionately high and adverse effect on EJ populations and explain your reasoning. If yes, describe actions to avoid, minimize and mitigate these effects.

Under FHWA Order 6640.23A, FHWA and the project sponsor, as a recipient of funding from FHWA (in this case the potential for federal funding in the future), are responsible to ensure that their programs, policies, and activities do not have a disproportionately high and adverse effect on minority or low-income populations. For this initial analysis the project Study Area was used (Appendix B, page 4).

Potential EJ impacts are detected by locating minority and low-income populations relative to a reference population to determine if populations of EJ concern exist and whether there could be disproportionately high and adverse impacts to them. The reference population may be a county, city or town and is called the community of comparison (COC). In this project, the COC is Elkhart County. The community that overlaps the Study Area is called the affected community (AC). In this project, the AC is Census Tract 19.01, Block Group 5 and Census Tract 21.02, Block Group 1 and 3. AC has a population of concern for EJ if the population is more than 50% minority or low-income or if the low-income or minority population is 125% of the COC. Data from the 2019 American Community Survey (ACS) 5-Year Estimates was obtained from the US Census Bureau Website <https://data.census.gov/cedsci/> on October 18, 2021 by Michael Baker. The data collected for minority, Hispanic and low-income populations within the AC are summarized in Table 7. Michael Baker also provided further analysis for Limited English-Speaking Households and Spanish Speaking Households within the ACs compared to the COC.

Table 7. Hively Avenue Overpass Environmental Justice AC comparison to COC

Hively Avenue Overpass EJ Analysis				
Census Bureau 2018 ACS 5-Year Estimates Information	COC Elkhart County, Indiana	AC-1 Block Group 1, Census Tract 21.02, Elkhart County, Indiana	AC-2 Block Group 3, Census Tract 21.02, Elkhart County, Indiana	AC-3 Block Group 5, Census Tract 19.01, Elkhart County, Indiana
Minority Population EJ Analysis				
Minority Population (Non-white)	26,017	177	1,145	82
Percent Minority	12.72%	13.76%	40.92%	7.35%
125% of COC	15.90%	AC > 125% COC?		
Minority Population of EJ Concern?		No	Yes	No
Hispanic Population EJ Analysis				
Hispanic Population	32,583	851	470	40
Percent Hispanic	15.93%	66.17%	16.80%	3.59%
125% of COC	19.91%	AC > 125% COC?		
Hispanic Population of EJ Concern?		Yes	No	No
Low Income Population EJ Analysis				
Total Number of Families	50,065	267	730	223
Families Below Poverty Level	4,432	0	172	37
Percent Low-Income (below poverty level)	6.18%	0.00%	14.96%	10.54%
125% of COC	7.72%	AC > 125% COC?		
Low Income Households of Concern?		No	Yes	Yes
Limited English Speaking Households				
Total Number of Households	71,718	396	1,150	351
Limited English-Speaking Households	2,390	56	17	0
Percent Limited English Speaking	3.33%	14.14%	1.48%	0.00%
125% of COC	4.17%	AC > 125% COC?		
Limited English Households of Concern?		Yes	No	No

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Spanish Speaking Households				
Households Speaking Spanish	8,086	256	96	11
Percent Spanish Speaking Households	11.27%	64.65%	8.35%	3.13%
125% of COC	14.09%	AC > 125% COC?		
Spanish Speaking Households of Concern?		Yes	No	No

AC-1, Block Group 1, Census Tract 21.02 has a percent minority of 13.76% which is below 50% and below the 125% COC threshold. AC-1 has a percent Hispanic population of 66.17% which is above 50% and above the 125% COC threshold. AC-2, Block Group 3, Census Tract 21.02 has a percent minority of 40.92% which is below 50% but is above the 125% COC. AC-2 has a percent Hispanic population of 16.80% which is below 50% and below the 125% threshold. AC-3, Block Group 5, Census Tract 19.01 has a percent minority of 7.35% which is below 50% and is below the 125% COC. AC-3 has a percent Hispanic population of 3.59% which is below 50% and below the 125% threshold. Therefore, AC-1 and AC-2 have a minority population (non-white or Hispanic) of EJ concern.

AC-1, Block Group 1, Census Tract 21.02 has a percent low-income of 0.00% which is below 50% and is below the 125% COC threshold. AC-2, Block Group 3, Census Tract 21.02 has a percent low-income of 14.96% which is below 50% but is above the 125% COC. AC-3, Block Group 5, Census Tract 19.01 has a percent low-income of 10.54% which is below 50% but is above the 125% COC. Therefore, AC-2 and AC-3 have a low-income population of EJ concern.

AC-1, Block Group 1, Census Tract 21.02 has a percent limited English speaking households of 14.14% which is below 50% but is above the 125% COC threshold. AC-2, Block Group 3, Census Tract 21.02 has a percent limited English speaking households of 1.48% which is below 50% and is below the 125% COC. AC-3, Block Group 5, Census Tract 19.01 has a percent limited English speaking households of 0.00% which is below 50% and is below the 125% COC. Therefore, AC-1 has a limited English speaking population of EJ concern.

AC-1, Block Group 1, Census Tract 21.02 has a percent Spanish speaking households of 64.65% which is above 50% and above the 125% COC. AC-2, Block Group 3, Census Tract 21.02 has a percent Spanish speaking households of 8.35% which is below 50% and is below the 125% COC. AC-3, Block Group 5, Census Tract 19.01 has a percent Spanish speaking households of 3.13% which is below 50% and is below the 125% COC. Therefore, AC-1 has a Spanish speaking household population of EJ concern.

In summary it was identified that AC-1, Block Group 1, Tract 21.02 has limited English speaking and Spanish speaking population of concern, AC-2, Block Group 3, Tract 21.02 has a low-income and minority population of concern, and AC-3, Block Group 5, Tract 19.01 has a low-income population of concern.

The presence of EJ populations was established early in the project as the community context and public involvement plan were developed. The City of Elkhart as the local agency lead continues to provide important oversight and coordination for all public outreach activities including interfacing with local stakeholders. The City of Elkhart provides translations services using city staff who are familiar with the community. Based on an understanding of the community, meeting notification materials have been translated to Spanish. A Spanish translator has been used to provide translation at the public information meetings and the public hearing.

An EJ Burdens and Benefits Analysis was prepared for the project and can be found in Appendix J, page 29. The analysis concluded that the Preferred Alternative has disproportionately high and adverse effects, in the form of displacements and relocations, but the Preferred Alternative has the least adverse effect and overall project impacts while providing the most benefit. All the build alternatives developed and considered have similar displacement impacts. The Preferred Alternative also allows Hively Avenue to remain open for the majority of the construction duration which avoids and minimizes travel impacts, delays, stress on adjacent business and allows for vehicular mobility during construction; this is not the case with other build alternatives considered. The No Build would leave the Study Area in its current condition continuing an existing burden to EJ populations due to the lack of connectivity of existing facilities and an unsafe crossing for pedestrians and bicyclists with the railroad. The No Build provides no net benefit to the community as a whole or EJ populations.

The Preferred Alternative provides mitigation measures including the creation of dedicated green spaces (including a new pocket park), enhanced fully ADA compliant sidewalk including non-impacted sidewalk, wider sidewalk accommodations near Monger Elementary School, parking lot reconfiguration and improved access to El Rosal supermarket (Minority business), improved ADA compliant flag bus stop, and improved connectivity to the MapleHeart Trail. These mitigation measures are included as firm commitments in the Environmental Commitments section of this EA document.

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The Preferred Alternative also provides off-set benefits including improved EMS access and response times, improved safety for all modes of transportation including vehicles, pedestrians, bicyclists, and those with disabilities, improved micro air quality within the vicinity (reduced idling associated with traffic), improved community connectivity and access to resources including the Elkhart Environmental Center, Monger Elementary, local businesses, green space and MapleHeart Trail, improved aesthetics, improved public health, and improved commercial vehicle access and reliability.

Reference Appendix J for the full EJ Burdens and Benefits Analysis.

Relocation of People, Businesses or Farms

Will the proposed action result in the relocation of people, businesses or farms?

Is a BIS or CSRS required?

Yes	No
X	
X	

Number of relocations: Residences: 21 Businesses: 6 Farms: 0 Other: 0

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Discuss any relocations that will occur due to the project. If a BIS or CSRS is required, discuss the results in the discussion below.

The project will require the relocation of twenty-one (21) residential properties and six (6) commercial properties and the acquisition of one (1) residential property (Appendix B, page 8). In total the project will purchase twenty-seven (27) occupied properties and one (1) vacant property. The impacted businesses include Speedwash Laundromat, Hunter's Restaurant, Kentucky Fried Chicken, 7-11 gas station, and two growing businesses Pavel's Auto and Moreno's Roofing. Pavel Auto's primary concern is finding another place that is near their customer base and affordable. One residential relocation is a rental that allows Sec 8 and a pet. This tenant is very concerned about rent afford-ability and being able to get back into the Sec 8 program.

The acquisition and relocation program will be conducted in accordance with 49 CFR 24 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. Relocation resources are available to all residential and business relocates without discrimination. No person displaced by this project will be required to move from a displaced dwelling unless comparable replacement housing is available to that person.

A CSRS is required for the project and the draft is included in Appendix N. Under the Uniform Act, there can be eligibility for multiple relocations on a single parcel of land that is to be acquired (this can include owner-occupied, tenant-occupied residence, etc); therefore, the project has an estimated total of 33 eligible relocations as further explained in the CSRS (Appendix N, page 4). Affected owners, residents including renters, and businesses were offered the opportunity to meet with members of the project team in person, by phone, or via video call for a kitchen table meeting (KTM). The purpose of the meeting was to familiarize residents with the project and members of the project team, answer their questions, and address their concerns. KTM's have been conducted with 31 of 33 (94%) potential relocation parcels. One business (KFC) did not respond to the two owner contact letters that were mailed. Specific general observations from the KTM's are summarized as the following in the CSRS (Appendix N, page 6):

1. Interactions with residents and businesses were very cordial and people were welcoming and inquisitive.
2. Several residents expressed that they will be happy to move away from the high-traffic area and look forward to the day when they are no longer stopped at the railroad tracks.
3. Attitudes regarding the project are generally positive. Only one resident spoke out against it, but admitted he is looking forward to a fresh start in a new home.
4. Everyone interviewed is aware of and concerned about the fast-moving real estate market—whether they are looking for homes to purchase or rent, or a new business location.

The CSRS identified one homeowner (Spanish) and one business owner (Ukrainian) that would like to have a translator present at meetings, but each understands and speaks English well enough to communicate directly with the project team, and each had a trusted translator in their family to help communicate more complex ideas during the KTM's (Appendix N, page 13).

The conclusion of the CSRS states that relocation payments are the fuel that drives movement in ROW projects, and this need is magnified in today's real estate market and in this Study Area. Home buyers and tenants will be overwhelmed by the fast-moving market if relocation funds are not readily available to help them purchase or rent new homes. To help improve the outcomes of all the displaced residents, the City of Elkhart and INDOT must be willing to adapt their processes to allow relocation claims to be paid quickly and they should allow the relocation agent the flexibility to re-do purchase and rental comps so that price differential and rental assistance payments can keep pace with skyrocketing home purchase prices and rental rates.

Businesses provide employment, stimulate the local economy, and expand the tax base. Data indicate that there are adequate replacement options for the four growing businesses, although the needs of each is quite different. There appears to be adequate commercial real estate available for the two growing businesses—Pavel's Auto and Moreno's Roofing—to relocate and continue to grow. Two other business owners will probably take this opportunity to retire.

It is difficult to measure the impact a project such as this will have on the surrounding area, but it is likely that the net effect of this project will be positive. Traffic delays caused by stopped trains occur many times daily and negatively impact businesses and residents in the area. After the project is completed, traffic will flow through the area smoothly on local roads and over the train tracks and, hopefully, a couple dozen homeowners, tenants, and businesses will find themselves better off in new homes, new rental properties, and new places of business.

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SECTION I – HAZARDOUS MATERIALS & REGULATED SUBSTANCES

Hazardous Materials & Regulated Substances (Mark all that apply)

Documentation

- Red Flag Investigation (RFI)
- Phase I Environmental Site Assessment (Phase I ESA)
- Phase II Environmental Site Assessment (Phase II ESA)
- Design/Specifications for Remediation required?

X
X
X

Date RFI concurrence by INDOT SAM (if applicable): November 18, 2019 & July 27, 2021

Include a summary of the potential hazardous material concerns found during review. Discuss in depth sites found within, directly adjacent to, or ones that could impact the project area. Refer to current INDOT SAM guidance. If additional documentation (special provisions, pay quantities, etc.) will be needed, include in discussion. Include applicable commitments.

Based on a review of GIS and available public records, a RFI was completed by Michael Baker and signed by INDOT SAM on November 18, 2019 (Appendix E, Page 1). A RFI addendum was completed by Michael Baker and signed by INDOT SAM on July 27, 2021 (Appendix E, page 18). Nineteen (19) hazardous material sites are located within 0.5 mile of the project area. Underground storage tanks (USTs) and leaking USTs (LUSTs) were identified within the project area at located at the following three sites:

- 7-Eleven, 2700 S Main Street, is a RCRA site, an active gas station (USTs), and is also a LUST site. The site is no longer sampled; however, it appears as though residual soil and groundwater impacts remain on-site and may extend into the rights-of-way. If excavation occurs in this area, proper handling, removal, and disposal of soil and/or groundwater will be necessary.
- IRA C Mast & Son Incorporated, 2510 Sterling Ave, AI #32183 is located 0.01 mile east of the project area. Three USTs were removed from the site in 1990. It appears as though a release of petroleum occurred; however, the extents were never delineated. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.
- Wade’s Service Station, 2644 Sterling Ave, AI# 31162 is located within the project area but is shown outside of the project area on the GIS layer. The IDEM issued a No Further Action (NFA) determination dated December 22, 2006 for LUST Incident #199901533 / FID#8663 based on soil and groundwater analytical results at or below IDEM RISC residential default closure levels. While this site received an NFA, vent pipes were observed at the current auto body shop occupant building and this site is located adjacent to both the railroad at-grade-crossing and East Hively Avenue / South Main intersection at the center of the project area. If excavation occurs in this area, it is likely that petroleum contamination will be encountered. Before proper removal and disposal of soil and/or groundwater, analysis for lead will be necessary.

The RFI also concluded that there was potential for additional hazardous material sites that those previously identified based on a review of INDOT supplied documents, Google Earth / Street View October 2018, and during a site visit looking specifically for potential hazardous material sites conducted by Michael Baker on June 7, 2019. These additional sites include a dry cleaner, a former foundry, automotive repair/salvage facilities, and railroad tracks located within the project area. The RFI stated that a Phase I Environmental Site Assessment (ESA) was recommended.

A Modified Phase I ESA report was prepared by Michael Baker and approved by INDOT SAM [still currently in review]. The Modified Phase I ESA report concluded that there are thirteen (13) parcels that cannot be avoided that have current on site recognized environmental conditions (RECs), or Historic REC in connection with past uses that pose a concern to impact worker safety and property handling/disposal of waste (i.e., soil and/or water) generated as part of construction activities. These thirteen (13) sites include:

- 7-Eleven Mobile Gas Station
- Indiana Michigan Power and Norfolk Southern Railroad
- Vacant Pine De Rosa Furniture Manufacturing
- El Rosal supermarket
- Car Wash Station
- Midas

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- New commercial building (former coal and salvage yards) at 2729 Hammond Avenue
- Marcus Auto Sales
- Residential lots at 2625 Lowell Avenue
- Eulloquis Kustom Wheels
- Elkhart Speedwash
- Advance AutoParts
- Norfolk Southern Railroad

Further evaluation via Phase II sampling is recommended at eighteen (18) locations within the thirteen (13) REC sites. For more details about these REC sites reference pages from the Modified Phase I ESA located in Appendix E, page 24. A firm project commitment has been added that a Phase II ESA will be required prior to Ready for Contracts and is within the Environmental Commitments of this EA document.

Part IV – Permits and Commitments

PERMITS CHECKLIST

Permits (mark all that apply)

Likely Required

Army Corps of Engineers (404/Section10 Permit)

- | | |
|-------------------------------|--------------------------|
| Nationwide Permit (NWP) | <input type="checkbox"/> |
| Regional General Permit (RGP) | <input type="checkbox"/> |
| Individual Permit (IP) | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

IN Department of Environmental Management (401/Rule 5)

- | | |
|-------------------------------|-------------------------------------|
| Nationwide Permit (NWP) | <input type="checkbox"/> |
| Regional General Permit (RGP) | <input type="checkbox"/> |
| Individual Permit (IP) | <input type="checkbox"/> |
| Isolated Wetlands | <input type="checkbox"/> |
| Rule 5 | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

IN Department of Natural Resources

- | | |
|----------------------------|--------------------------|
| Construction in a Floodway | <input type="checkbox"/> |
| Navigable Waterway Permit | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Mitigation Required

US Coast Guard Section 9 Bridge Permit

Others (Please discuss in the discussion below)

<input type="checkbox"/>

List the permits likely required for the project and summarize why the permits are needed, including permits designated as "Other."

Applicable recommendations provided by resource agencies are included in the Environmental Commitments section of this document. An IDEM Rule 5 permit is anticipated due to the disturbance of more than one (1) acre of land. The conditions of the permit will be requirements of the project and will supersede these recommendations.

It is the responsibility of the project sponsor to identify and obtain all required permits.

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ENVIRONMENTAL COMMITMENTS

List all commitments and include the name of agency/organization requesting/requiring the commitment(s). Listed commitments should be numbered.

Firm:

1. If the scope of work or permanent or temporary right-of-way amounts change, the INDOT Environmental Services Division (ESD) and the INDOT District Environmental Section will be contacted immediately. (INDOT ESD)
2. It is the responsibility of the project sponsor to notify school corporations and emergency services at least two weeks prior to any construction that would block or limit access. (INDOT ESD)
3. Continued coordination with the City of Elkhart for the Interurban Trolley Red Line bus route and flag stops. (INDOT ESD)
4. Flag bus stop, Stop 43, will be relocated with ADA compliant sidewalk connection and accessibility. (INDOT ESD)
5. A Phase II Environmental Site Assessment will need to be completed prior to Ready for Contracts. (INDOT SAM)
6. Continued coordination with the USEPA regarding project progress and USEPA review of the Phase II Environmental Site Assessment must be completed prior to Ready for Contracts. (INDOT ESD)
7. The tree removal will not occur in forested areas and these areas are demarcated on plans as areas to avoid. (INDOT ESD)
8. All trees to be removed are within 100 feet from an existing roadway and will be clearly marked and will be removed during the inactive bat season. (INDOT ESD)
9. Eight (8) feet sidewalk will be provided adjacent to Monger Elementary School. (INDOT ESD)
10. Continued coordination will occur with Monger Elementary School about MOT and construction activities. (INDOT ESD)
11. New signage will be added by the City of Elkhart for the Environmental Center based on continued coordination. (City of Elkhart)
12. Restripe and reconfigure parking lot based on continued coordination with El Rosal (Hispanic supermarket). (City of Elkhart)
13. Green space (pocket park) will be added to project in between Roosevelt Avenue and Hively Avenue and green space between newly created sidewalk and Hively Avenue on the eastside as identified in the Environmental Document. (INDOT ESD)
14. The duration of temporary occupancy of MapleHeart Trail must be less than the time needed for construction of the project. There will be no change in ownership of the land, no permanent adverse physical impacts, and will be restored to a condition which is at least as good as that which existed prior. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions. (INDOT ESD)
15. New sidewalk will connect to the MapleHeart Trail. (INDOT ESD)
16. A Spanish and Ukrainian translator will be provided at meetings for one homeowner and one business owner as requested and identified in the CSRS. (INDOT ESD)
17. General AMM1: Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable AMMs. (USFWS)
18. Tree Removal AMM1: Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to avoid tree removal. (USFWS)
19. Tree Removal AMM2: Apply time of year restrictions April 1st through September 30th for tree removal when bats are not likely to be present, or limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of existing road/rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed. (USFWS and IDNR-DFW)
20. Tree Removal AMM3: Ensure tree removal is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits). (USFWS)
21. Tree Removal AMM4: Do not remove documented Indiana bat or NLEB roosts that are still suitable for roosting, or trees within 0.25 mile of roosts, or documented foraging habitat any time of year. (USFWS)
22. Lighting AMM1: Direct temporary lighting away from suitable habitat during the active season. (USFWS)
23. Lighting AMM2: When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of "uplight" of 0 and "backlight" as low as practicable. (USFWS)
24. A Bat Structure Assessment by a qualified individual must be completed prior to demolition of any structure. Inspection of the structure should check for the presence of bats or birds. If signs of bats or birds are documented during this inspection,

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Version: April 2021

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the INDOT District Environmental Manager must be contacted immediately. (INDOT ESD)

- 25. MOT will be provided for the trail utilizing local side streets. The MOT for the trail detour will be provided in the Stage 3 plans. (INDOT ESD)
- 26. A reevaluation of the noise analysis will occur during final design. If during final design it has been determined that conditions have changed and noise impacts are identified, noise abatement will be evaluated at that time as to whether it is feasible and reasonable. (INDOT ESD)

For Further Consideration:

- 27. Do not clear trees or understory vegetation outside the construction zone boundaries. (USFWS)
- 28. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only. (IDNR-DFW)
- 29. Minimize and contain within the project limits all tree and brush clearing. (IDNR-DFW)
- 30. Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height. (IDNR-DFW)
- 31. The City of Elkhart in conjunction with INDOT must be prepared to adapt their policies to allow home buyers to secure new homes. It has been typical for relocation claims to take 45-60 days to be paid, but this slow turnaround will close prospective buyers out of the market. The agency must be willing to adapt their process to make funds available sooner and make acquisition and relocation payments more quickly. Also, purchase comparables and prospective replacement homes are selling so quickly and home prices increasing so rapidly that the agency must consider allowing agents to increase relocation payments by performing new comparables searches and recalculating relocation benefits to make new homes affordable. (INDOT ESD)
- 32. If the Samples family finds a suitable replacement before the offer is made, an exception may be made to offer their relocation benefits early. (INDOT ESD)
- 33. The City of Elkhart and INDOT must be prepared to adapt their policies to allow tenants to rent or purchase homes quickly. They must be willing to make relocation payments as quickly as possible rather than the usual 45-60 days. Also, rental comparable and prospective properties rent so quickly that the agency must consider allowing agents to "re-comp" and increase relocation payments to make new rentals affordable. (INDOT ESD)

Attachment B:

Public Hearing Documentation

Hively Overpass Mailing List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip
DAVID URRUTIA ALVARADO		Elkhart	IN	46516
CASBA BARRON ALVINO		Elkhart	IN	46516
JAIME ANGULO		Elkhart	IN	46517
Tenant or Resident		Elkhart	IN	46516
JAMES E & BARBARA J BATES		Goshen	IN	46528
Tenant or Resident		Elkhart	IN	46516
KB8 PROPERTIES LLC		Elkhart	IN	46516
Tenant or Resident		Elkhart	IN	46516
MICHAEL & NANCY B BONEWITZ		Goshen	IN	46516
Tenant or Resident		Elkhart	IN	46517
BLANCA E CARDOSO		Elkhart	IN	46517
BLANCA ESTEL CARDOSO		Elkhart	IN	46517
PABLO & BARBARA CASTANEDA CASTANEDA		Elkhart	IN	46517
RODOLFO & MARILYN NOVDA CASTILLO		Elkhart	IN	46516
CONSEJO CEJA		Elkhart	IN	46514
CHAMP BA ENTERPRISES LLC		Portage	IN	46388
MARIS S & JACQUELINE CRAMI		Elkhart	IN	46516
Tenant or Resident		Elkhart	IN	46517
RICHARD A CROWE		Elkhart	IN	46517
CARLOS CUAHUITZO		Elkhart	IN	46517
WILLIAM & KATHY DAVIES		Elkhart	IN	46517
ESTELA ECHEVARRIA		Elkhart	IN	46516
ELKHART COMMUNITY SCHOOLS ATTN JC RICE EDUCATIONAL SERVICES CENTER		Elkhart	IN	46514
LOVE & ROSINA MUNAMAKE FOUNT		Elkhart	IN	46517
MARIS & REVIA A GARRIDO		Elkhart	IN	46517
JUAN GRANADOS		Elkhart	IN	46516
DOLLY G GREGORY		Elkhart	IN	46516
Tenant or Resident		Elkhart	IN	46517
HARVEST HOMES LLP		Middlebury	IN	46540
Tenant or Resident		Elkhart	IN	46516
GLENN DEVLYN HENDERSON		Goshen	IN	46528
FRANCES H HUNTER		Elkhart	IN	46514
Tenant or Resident		Elkhart	IN	46517
HYORA HOLDINGS LLC		Bristol	IN	46507
Tenant or Resident		Elkhart	IN	46517
INDIANA CONFERENCE OF THE UNITED MISSIONARY CHURCH INC		Elkhart	IN	46517
ARACELI JIMENEZ		Elkhart	IN	46516
GREGORY J JOHNSON		Goshen	IN	46528
Tenant or Resident		Elkhart	IN	46517
RUSSELL E & ANGELA JOHNSON		Elkhart	IN	46517
PAVEL & GALINA KABARDIN		Goshen	IN	46528
Tenant or Resident		Elkhart	IN	46516
JEFFERY A & JOHNN ALBERT KLEIN JT TEN		Elkhart	IN	46516
KRISTEN CASARELLI FAMILY TRUST		San Luis Obispo	CA	93401
Tenant or Resident		Elkhart	IN	46517
EARNEST C KYLE		Elkhart	IN	46516
AUGUSTINO & MARIA LACORDO		Elkhart	IN	46517
Tenant or Resident		Elkhart	IN	46517
DENNIS LAVARNE & KATHY A MANN		Elkhart	IN	46517
MARLIN B & LOS K MARTIN		Elkhart	IN	46517
Tenant or Resident		Elkhart	IN	46517
PETER R & HELMUT H MCCLURE JT TEN MCCLURE		Bristol	IN	46507
Tenant or Resident		Elkhart	IN	46516
RALPH MCCRAY		Elkhart	IN	46517
MICHAEL MCCRAHAN		Elkhart	IN	46516
MARISA A MEZA		Elkhart	IN	46517
MIDAS PROPERTIES INC MIDAS REALTY CORP C/O MARVIN F. POER & CO.		Palm Beach Gardens	FL	33410
Tenant or Resident		Elkhart	IN	46517
CHAD M MILLER		Elkhart	IN	46517
DEWAYNE & RUBY MILLER		Goshen	IN	46526
Tenant or Resident		Elkhart	IN	46517
ANTHONY E & PAMELA MOORE		Elkhart	IN	46516
HEAR SONG PAV		Elkhart	IN	46517
EDWIN & NATALY CORTES PINEDA		Elkhart	IN	46517
JASON S RAGSDALE		Elkhart	IN	46516
MARGARET R REYES		Elkhart	IN	46517
LINDY & ELBA A ROBINSON		Elkhart	IN	46517
RICK A & LYLE D & VIRGINIA J SMOGGRASS JT TEN ROBINSON		Elkhart	IN	46517
MARIA E SANTIAGO		Elkhart	IN	46516
SHAM COMMERCIAL PROPERTIES LLC		Elkhart	IN	46516
WILLIAM C & KARENLY A BROTTOFF JT TEN SMITH		Elkhart	IN	46516
SOUTHLAND CORPORATION THE ATTN TAX DEPT #21977		Dallas	TX	75221
Tenant or Resident		Elkhart	IN	46517
DOROTHY SPAUGH REVOCABLE TRUST		Elkhart	IN	46516
Tenant or Resident		Elkhart	IN	46516
SSSTING LLC		Goshen	IN	46528
Tenant or Resident		Elkhart	IN	46517
SHAWN T TAYLOR		Elkhart	IN	46517
JORGE TREGO		Elkhart	IN	46517
Tenant or Resident		Elkhart	IN	46517
UNIQUE OUTREACH MINISTRY INC D/B/A UNIQUE LEARNING ACADEMY		Elkhart	IN	46514
Tenant or Resident		Elkhart	IN	46517
PAUL V WELFA		Laguna	CA	92652
Tenant or Resident		Elkhart	IN	46516
NORA A WADE TRUSTEE NORA WADE TRUST		Elkhart	IN	46516
ESTATE OF JEFFREY WEST		Jaggala	IN	46780
Tenant or Resident		Elkhart	IN	46516
DENNIS E & DIANA S WILLIAMS		Elkhart	IN	46516
WORLD BUSINESS LENDERS LLC		Jersey City	NJ	07302
Tenant or Resident		Elkhart	IN	46516
MOGENE M YOUNG c/o MILDRED YOUNG		Mesa	AZ	85210
Tenant or Resident		Elkhart	IN	46516
ASION ZOLTAN		Elkhart	IN	46514
Tenant or Resident		Elkhart	IN	46516
CHRISTY A ALLEN		Elkhart	IN	46517
ELLY M RODRIGUEZ DE QUINONEZ		Elkhart	IN	46517
FREDERICK D & MAE N REDDING		Elkhart	IN	46516
MARIA FIGUEROA		Elkhart	IN	46517
Tenant or Resident		Elkhart	IN	46517
Tenant or Resident		Elkhart	IN	46517
ERNESTO & MARICRISTO VARGASULLI LUZI		Elkhart	IN	46517
ANTHONY J & CATHERINE A RUSSO TRUSTEES OF RUSSO FAMILY TRUST		Elkhart	IN	46514
DRILEY REALTY LLC		Fort Wayne	IN	46805
CURTIS HOLT		Elkhart	IN	46516
SUSAN E ELLIOTT & JOHN G GIBERT JT BOS		Elkhart	IN	46516
ADVANCE STORES COMPANY INCORPORATED		Roanoke	VA	24012
ALAN L KADO TRUSTEE 1/2 INT & DIANA M KADO TRUSTEE 1/2 INT		Elkhart	IN	46517
AUTODINE INC A NEVADA CORP AUTO ZONE #99		Memphis	TN	38001
BANGLAY CORP THE IND CORP		Smith Bend	IN	46524
BRAD HODDING		Elkhart	IN	46514
CHARLES L & ANN B RAGLAND & STEVEN RAGLAND JT TEN		Elkhart	IN	46516
CLAUDIA O VELASQUEZ		PALMDALE	CA	93550
DENNIS SIMMONS		Elkhart	IN	46517
ERNESTO LUZI		Elkhart	IN	46516
GAMALIEL CRUZ		Elkhart	IN	46517
GARY MIDDLETON		Bristol	IN	46507
GIUSEPPE & ROSA SQUILIANO		Elkhart	IN	46517
GLENN W & CAROL SUE HENDERSON TRUSTEES REV LIV TR		Elkhart	IN	46516
GRICEL SANTOS		Elkhart	IN	46516
HUGHES REALTY & EQUIPMENT CO INC		Elkhart	IN	46516
ROSSI GAMBRI JR		Elkhart	IN	46516
JOSEFINA RUSS OROPEZA & PEDRO E OROPEZA		Elkhart	IN	46517
KASAR INVESTMENTS LLC		Elkhart	IN	46515
KR PIZZAS INC		Elkhart	IN	46516
KRES TUBBS		Elkhart	IN	46516
LUIS & MARIA NAVARRETE		Elkhart	IN	46516
MEL B & CAROL A HOCHSTETLER		Elkhart	IN	46514
PAUL & PATRICIA C HOLE		Elkhart	IN	46517
PAUL M THORSH & BRENDA J THORSH		Elkhart	IN	46514
Resident or Tenant		Elkhart	IN	46517
Resident or Tenant		Elkhart	IN	46517
Resident or Tenant		Elkhart	IN	46516
Resident or Tenant		Elkhart	IN	46517
Resident or Tenant		Elkhart	IN	46517
Resident or Tenant		Elkhart	IN	46517
Resident or Tenant		Elkhart	IN	46516
Resident or Tenant		Elkhart	IN	46517
ROGER HAINES & LEWIS HAINES TRUSTEE		Wappanee	IN	46550
Tenant		Elkhart	IN	46517
Tenant		Elkhart	IN	46517
Tenant		Elkhart	IN	46517
Tenant		Elkhart	IN	46517
Tenant or Resident		Elkhart	IN	46517
MICHAEL PATRICK THOMAS & SANDRA ELIZABETH THOMAS		Elkhart	IN	46516
VICTOR MANUEL ZANABARRON & VICTOR PONCE JT TEN		Elkhart	IN	46516
TYLER AUSTIN TROYER		Elkhart	IN	46517



Public Hearing Advertisement Materials

LEGAL NOTICE OF PUBLIC HEARING
Hively Avenue Local Trax Project in Elkhart County

The Indiana Department of Transportation and City of Elkhart will host a public hearing to inform residents and solicit feedback about Environmental Assessment (EA) and the preferred alternative for the Local Trax Railroad Overpass at Hively Avenue.

The public hearing will be hosted on Thursday, July 14, at Zion Missionary Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517. The public hearing will begin at 6 p.m., and residents will be allowed to provide verbal and written public comments. Representatives will be available at the displays to answer residents' questions from 5 to 6 p.m., and after the hearing until 8 p.m.

The purpose of the open house is to offer all interested persons an opportunity to learn about and comment on the preliminary preferred alternative for the 0.5-mile Local Trax Railroad Overpass at Hively Avenue on the southeast side of Elkhart in Elkhart County. The project limits extend from Bismark Avenue to Hazel Street and extend to crossing streets including Monger Avenue, Morton Avenue, Roosevelt Avenue, Homer Avenue, Main Street, Garden Boulevard, Norfolk Southern Railway, Sterling Avenue, Eddy Street, Hammond Avenue, Lowell Avenue and Warren Street.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; improve the Level of Service (LOS) to a "C" on the new Hively Avenue alignment; and improve bike/pedestrian movements.

The preferred alternative meets the purpose and need of the project by realigning Hively Avenue to the south with a connection roadway to the north, and better accommodating truck movements in the area.

The preferred alternative:

- Includes an overpass to replace the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allows vehicular traffic, bicycle and pedestrian movements and trains to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area.
- Improves the LOS to "C."
- Includes a truck route that was included after public comments were received at public involvement meeting 2.
- Improves the sidewalk network greatly, including new, connected, ADA-compliant sidewalks along Hively Avenue and adjacent side streets.
- Allows a connection to Monger Elementary School, El Rosal supermarket, churches, and residential and business properties; which is an overall benefit to the community.
- Provides connectivity to the MapleHeart Trail and to the Environmental Center.
- Improves pedestrian access to the transit stop with ADA-compliant sidewalks and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside.

There will be temporary and permanent right-of-way acquired for this project.

Construction is estimated to begin in 2023 and will be divided into three phases, keeping Hively Avenue and the at-grade crossings open as long as possible.

- Phase 1 will keep Hively Avenue open as construction begins south of Hively Avenue. Closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing SR 33 and CR 45.
- Phase 2 will require temporary closures on Monger Avenue, sections of Hively Avenue, Roosevelt Avenue, Warren Street; and a detour route will be provided utilizing Pleasant Plain Avenue, SR 20, and CR 13.
- Phase 3 includes the permanent closure of the existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment.

Federal, state, and local funds are proposed to be used to construct this project. INDOT and the Federal Highway Administration (FHWA) have agreed that, at this time, there is no substantial public controversy concerning impacts to the community or to natural resources. The environmental study was reclassified as an EA because of impacts to residential and commercial properties. The EA and preliminary design information is available to view prior at the following locations:

1. Elkhart Public Library, Pierre Moran Branch, 2400 Benham Avenue Elkhart, IN 46517
2. City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516
3. INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808
4. City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>
5. Project documents can be mailed upon request.

Project information, including a copy of EA, are available at the City of Elkhart's website at <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>. The presentation, boards, exhibits and handouts will be available on the City's website by July 7, 2022.

Public statements for the record will be taken as part of the public hearing procedure. All verbal statements recorded during the public hearing and all written comments submitted prior to, during and for a period of two (2) weeks following the hearing date, will be evaluated, considered and addressed in subsequent environmental documentation. Written comments may be submitted prior to the public hearing and within the comment period to: Michael Baker International, 3815 River Crossing Parkway, Suite 20, Indianapolis, IN 46240 or ElkhartLocalTrax@mbakerintl.com. INDOT respectfully requests comments be submitted by July 31, 2022

With advance notice, INDOT will provide accommodations for persons with disabilities with regards to participation and access to project information as part of the hearings process including arranging auxiliary aids, interpretation services for the hearing impaired, services for the sight impaired and other services as needed. In addition, INDOT will provide accommodations for persons of Limited English Proficiency (LEP) requiring auxiliary aids including language interpretation services and document conversion. Such accommodations may be arranged by contacting Erin Pipkin, by phone at (317) 966-7301 or email at erin@compassoutreachsolutions.com.

This notice is published in compliance with: 1) Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1) stating, "Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program."; 2) 23 CFR 450.210(a)(1)(ix) stating, "Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate."; and 3) The 2021 INDOT Project Development Public Involvement Procedures Manual approved by the FHWA.

AVISO LEGAL DE AUDIENCIA PÚBLICA
Proyecto “Local Trax” de la Avenida Hively en el Condado “Elkhart County”

El Departamento de Transporte de Indiana y la ciudad de Elkhart tendrán una audiencia pública para informar residentes y solicitar retroacción o comentarios sobre la evaluación medio-ambiental.(EA) y la preferida alternativa para el paso superior de ferrocarril “Local Trax” en la Avenida Hively.

La audiencia pública será hospedada el día jueves, 14 de Julio, en la iglesia Zion Missionary Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517. La audiencia pública empezará a las 6 p.m., y residentes podrán disponer comentarios verbales y escritos. Representantes estarán disponibles en las muestras para contestar preguntas de residentes de 5 a 6 p.m., y después de la audiencia pública hasta las 8 p.m.

El propósito de esta audiencia pública es para ofrecer todas las personas interesadas una oportunidad para aprender y comentar sobre la alternativa preferida preliminar para el 0.5-milla paso superior de ferrocarril “Local Trax” en la Avenida Hively en el lado sureste de Elkhart en el condado de Elkhart. Los límites del proyecto extienden desde la Avenida Bismark hasta la calle Hazel y extiende a las calles cruzantes/intersectantes incluyendo a la Avenidas Monger, Roosevelt y Homer, la calle Main, Garden Boulevard, Norfolk Southern Railway, la Avenida Sterling, la calle Eddy, las Avenidas Hammond y Lowell y la Calle Warren.

El Proyecto se necesita para dirigir la congestión de tráfico causada por aproximadamente 70-100 trenes que utilizan las vías de ferrocarril en la Avenida E. Hively cada día. El propósito de este proyecto es mejorar movilidad y seguridad entre el área del proyecto eliminando congestión de vehículos y a la vez manteniendo el acceso y la conectividad; mejorar el nivel de servicio (LOS) a una “C” en la nueva alineación de la Avenida Hively; y mejorar los movimientos de bicicleta y peatones.

La alternativa preferida alcanza el propósito y necesidad del proyecto por el hecho de que realinea la Avenida Hively al sur con la conexión de carretera al norte, y acomodando mejor al movimiento de camiones en el área.

The alternativa preferida:

- Incluye un paso superior para reemplazar el cruce al grado de la Avenida Hively y las vías del ferrocarril Norfolk y permite tráfico vehicular y movimiento de bicicleta y de peatones y de trenes para moverse independientemente de cada uno. Esto rebajará la congestión y mejorará la movilidad y fiabilidad de viaje/transporte del todo en el área del proyecto
- Mejorará el “LOS” a una “C.”
- Incluye una ruta de camiones que fue incluida después de comentarios públicos fueron recibidos en la reunión de involucración publica 2.
- Mejora muchísimo la red de aceras incluyendo aceras nuevas y cumplidas con ADA por la Avenida Hively y las calles paralelas de lado. Permite la conexión a la escuela Monger Elementary, el supermercado Rosal, Iglesias y propiedades residenciales y comerciales la cual será un beneficio a la comunidad.
- Brinda la conectividad a la MapleHeart Trail y al Centro Medio-ambiental “Environmental Center”.
- Mejora el acceso de peatones a la parada de transito con las aceras que cumplen con ADA y podrán ser mejoradas por el espacio verde propuesta ubicada entre la línea principal de la nueva carretera y el puente y la conexión de vuelta a Hively en el lado oeste.

Habrá derecho de paso temporalmente y permanentemente adquirida para este proyecto.

Construcción está estimada a empezar en el 2023 y estará dividida en tres fases manteniendo a la Avenida Hively y los cruce al grado abiertas hasta tanto tiempo que se pueda.

- La Fase 1 mantendrá a la avenida Hively abierta mientras la construcción empieza al sur de la Avenida Hively. Cierres serán requeridas en las calles intersectantes incluyendo a las Avenidas Roosevelt, Homer, Hammond y la calle Warren. Durante este tiempo, una ruta alternativa/desvío será brindada utilizando SR 33 y CR 45.
- La Fase 2 requerirá cierres temporarios en la Avenida Monger, unas secciones de la Avenida Hively, la Avenida Roosevelt, la Calle Warren; y la ruta de desvío será brindada utilizando la Avenida Pleasant Plain, SR 20 y CR 13
- La Fase 3 incluye el cierre permanente del alineamiento que existe de la Avenida Hively y el cruce de ferrocarril y permite tráfico en el alineamiento nuevo de la Avenida Hively

Fondos federales, locales y del estado están propuestas para ser utilizadas en la construcción de este proyecto. INDOT y el "Federal Highway Administration" (FHWA) han estado de acuerdo que, en este momento, no hay controversia pública sustancial relativo a los impactos a la comunidad o a los recursos naturales. El estudio medioambiental fue reclasificado como un EA por los impactos a las propiedades residenciales y comerciales. El EA y la información del diseño preliminar están disponibles para ver en las siguientes ubicaciones:

1. Elkhart Public Library, Pierre Moran Branch, 2400 Benham Avenue Elkhart, IN 46517
2. City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516
3. INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808
4. City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>
5. Documentos del proyecto podrán ser enviados por correo a petición.

Información del proyecto, incluyendo una copia de EA, estarán disponibles en la pagina web de la ciudad de Elkhart en <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>. La presentación, tableros, exposiciones y volantes estarán disponibles en la página web de la ciudad para el 7 de Julio, 2022.

Comentarios públicos para el registro se tomarán como parte del procedimiento de la audiencia pública. Todos los comentarios verbales grabadas durante la audiencia pública y todos los comentarios escritos presentados antes de, durante y por un periodo de dos (2) semanas después de la fecha de la audiencia pública serán evaluados, considerados y dirigidos en documentación medioambiental posterior.

Comentarios escritos podrán ser presentados antes de la audiencia pública y dentro del periodo de comentarios a: Michael Baker International, 3815 River Crossing Parkway, Suite 20, Indianapolis, IN 46240 or ElkhartLocalTrax@mbakerintl.com. INDOT con respeto pedimos los comentarios presentados para el 31 de julio,

Con aviso avanzado, INDOT brindara alojamientos para personas con discapacidades con respecto a la participación y el acceso a la información del proyecto como parte del proceso de la audiencia pública incluyendo organizando a ayudantes auxiliares, servicios de interpretación para personas con discapacidad auditiva, servicios para personas con discapacidad de visión y otros servicios necesarios. Además, INDOT brindará alojamientos para personas con competencia de Ingles limitada "Limited English Proficiency" (LEP) requiriendo ayudantes auxiliares incluyendo servicios de interpretación de idiomas y traducción de documentos. Estos alojamientos podrán ser organizados contactando a Erin Pipkin por teléfono: (317) 966-7301 o correo electrónico/ email en: erin@compassoutreachsolutions.com.

Este aviso está publicado en cumplimiento con: 1) Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1) que dice “Cada estado deberá tener procedimientos aprobados por el FHWA para realizar un programa de audiencia publica 2) 23 CFR 450.210(a)(1)(ix) que dice, “Proveer la revisión periódica de la efecacia del proceso de involucramiento público para asegurar que el proceso brinda acceso abierto y completo a todas las personas interesadas y revisa el proceso como apropiado” y 3) El Manual de desarrollo del procedimiento de Involucración Publica de INDOTA 2021 aprobada por el FHWA.

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA

County of Elkhart

City of Goshen

Goshen News Fed ID # 82-2664009

ad# 1780257

ISSUED:

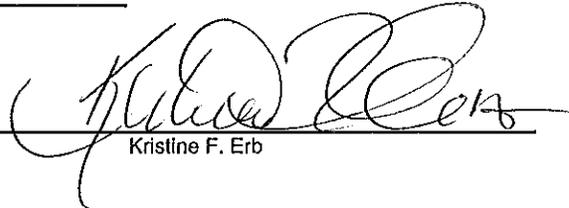
The subscriber, being duly sworn, deposes and says that she is the said Kristine F. Erb of THE GOSHEN NEWS and that the foregoing notice for

Public Hearing: Des. #1801933: Hively Ave. Local Tax Project in Elkhart County

was published in said newspaper in one edition of said newspaper issued on

06/30/22

Cost: \$ 262.45



Kristine F. Erb

SUBSCRIBED AND SWORN BEFORE ME ON THIS DAY: June 30, 2022



Notary Public Angela S. Kulczar

My Commission Expires February 04, 2027

Commission # NP0718334



DES. N. 1801933
LEGAL NOTICE OF PUBLIC HEARING
Hively Avenue Local Trax Project to Elkhart County

The Indiana Department of Transportation and City of Elkhart will hold a public hearing to inform residents and solicit feedback about Environmental Assessment (EA) and the preferred alternative for the Local Trax Railroad Crossing at Hively Avenue.

The public hearing will be held on Thursday, July 14, at Zion Wesleyan Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517. The hearing will be held from 6:00 p.m. to 8:00 p.m., and residents will be allowed to provide verbal and written public comments. Representatives will be available at the displays to answer residents' questions from 8:00 a.m. to 8:00 p.m., and after the hearing until 4:00 p.m.

The purpose of the open house is to offer all interested persons an opportunity to learn about and comment on the preliminary preferred alternative for the 0.5-mile Local Trax Railroad Crossing at Hively Avenue on the southeast side of Elkhart in Elkhart County. The project limits extend from Eastern Avenue to Hazel Street and include crossing streets including Morgan Avenue, Morton Avenue, Roosevelt Avenue, Homer Avenue, Main Street, Garden Boulevard, Norfolk Southern Railway, Seward Avenue, Elm Street, Hammond Avenue, Lowell Avenue and Winton Street.

The project is needed to address traffic congestion caused by approximately 10-100 trains that enter the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; improve the Level of Service (LOS) to a "C" on the new Hively Avenue alignment; and improve the pedestrian environment.

The preferred alternative meets the purpose and need of the project by realigning Hively Avenue to the south with a connection roadway to the north, and better accommodating truck movements in the area.

The preferred alternative:

- Includes an overpass to replace the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allow vehicular traffic, bicycle and pedestrian movements and trails to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area.
- Improves the LOS to "C".
- Includes a truck route that was included after public comments were received at public involvement meeting 2.

- Improves the sidewalk network greatly, including new, connected, ADA-compliant sidewalks along Hively Avenue and adjacent side streets.
- Adds a connection to Monroe Elementary School, El Royal super-market, churches, and residential and business properties, which is an overall benefit to the community.

- Provides connectivity to the Unklesmith Trail and the Environmental Center.
- Improves pedestrian access to the transit stop with ADA-compliant sidewalks and may be further enhanced by the proposed cross street located between the mainline of the new roadway and bridge and the connection back to Hively on the west side.

There will be temporary and permanent right-of-way acquired by this project.

- Phase 1 will begin in 2021 and will be divided into three phases, keeping Hively Avenue and the at-grade crossings open as long as possible.
- Phase 1 will include construction begins south of Hively Avenue. Closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue and Winton Street, and a detour route will be provided utilizing Pleasant Plain Avenue, SR 20, and CR 13.
- Phase 2 will require temporary closures on Morgan Avenue, sections of Hively Avenue, Roosevelt Avenue, Winton Street, and a detour route will be provided utilizing Pleasant Plain Avenue, SR 20, and CR 13.
- Phase 3 includes the realignment of existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment.

Federal, state, and local agencies will be used to conduct this project. INDOT and the Federal Highway Administration (FHWA) have agreed that, at this time, there is no additional public involvement because of impacts to residential and commercial properties. The EA and preliminary design information is available at the following locations:

1. Elkhart Public Library, Pierre Morse Branch, 2400 Barnhart Avenue Elkhart, IN 46517
2. City of Elkhart Street Department, 221 S. 17th St. Elkhart, IN 46516
3. INDOT District Office, 4533 Harford Road, Fort Wayne, IN 46825
4. City of Elkhart website: <http://www.elkhartindiana.org/transportation-local-trax-project>

Project documents can be viewed upon request.

Project information, including a copy of EA, are available at the City of Elkhart website at <http://www.elkhartindiana.org/transportation-local-trax-project>. The presentation, boards, exhibits and handouts will be available on the City of Elkhart website at <http://www.elkhartindiana.org/transportation-local-trax-project>.

Public comments for the record will be taken as part of the public hearing program. All verbal statements received during the public hearing and all written comments submitted prior to, during and after a period of ten (10) business days following the hearing date, will be reviewed, considered and addressed in subsequent environmental documentation. Written comments received prior to the public hearing and within the comment period by Elkhart Public Library, 3315 River Crossing Parkway, Suite 20, Indianapolis, IN 46244, or with advance notice, INDOT, will provide accommodations for persons with disabilities who request to attend. INDOT will provide accommodations for persons with disabilities including arranging auxiliary aids, information services for the hearing program, and other services as needed. In addition, INDOT will provide accommodations for persons with Limited English Proficiency (LEP) requiring a language assistance program. Such accommodations may be arranged by contacting Erin Peltin by phone at (317) 969-7301 or email at erinpeltin@indot.gov.

Each State must have procedures approved by the FHWA to carry out a public hearing under 23 CFR 771.111. Indiana program 23 CFR 452.212(a)(1)(ii) states: "Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to interested parties and that the process, as appropriate," and 23 CFR 452.212(b) states: "The 2021 INDOT Project Development Public Involvement Procedures Manual approved by the FHWA."

AVISO LEGAL DE AUDIENCIA PÚBLICA
Proyecto "Local Trax" de la Avenida Hively en el Condado "Elkhart County"

El Departamento de Transporte de Indiana y la ciudad de Elkhart tendrán una audiencia pública para informar residentes y solicitar retroalimentación y comentarios sobre la evaluación medio-ambiental (EA) y la preferida alternativa para el Paso Superior de los carriles "Local Trax" en la Avenida Hively.

La audiencia pública será held el día jueves, el 14 de julio, en la Iglesia Zion Wesleyan Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517. La audiencia pública empezará a las 6:00 p.m. y las presentaciones, tableros, exhibiciones y folletos estarán disponibles de las 8:00 a.m. a las 8:00 p.m., y después de la audiencia pública hasta las 4:00 p.m.

El propósito de esta audiencia pública es para ofrecer todas las personas interesadas una oportunidad para aprender y comentar sobre la alternativa preferida alternativa para el Paso Superior de los carriles "Local Trax" en la Avenida Hively en el lado sur este de Elkhart en el condado de Elkhart. Los límites del proyecto incluyen la Avenida Morgan, Roosevelt y Homer a la calle Main (Garden Boulevard) y Norfolk Southern Railway. El proyecto incluye la calle Elm, Hammond y Winton.

El proyecto es necesario para aliviar la congestión de tráfico causada por aproximadamente 70-100 trenes que utilizan las vías en la Avenida Hively cada día. El propósito de este proyecto es mejorar la movilidad y seguridad dentro del área del proyecto eliminando la congestión de vehículos y a la vez mejorando el acceso y conectividad, mejorar el nivel de servicio (LOS) a un "C" en la nueva alineación de la Avenida Hively; mejorar los movimientos de los camiones en el área.

La alternativa preferida alcanza el propósito y necesidad del proyecto por el hecho de que realinea la Avenida Hively al sur con la conexión de la carretera al norte, y acomodando mejor el movimiento de camiones en el área.

La alternativa preferida:

- Incluye un paso superior para reemplazar el cruce al grado de la Avenida Hively y las vías del ferrocarril independientemente de los movimientos de bicicletas y de peatones y de los trenes para mejorar la movilidad y seguridad dentro del área del proyecto.
- Mejora el LOS a un "C".
- Incluye una ruta de camiones que fue incluida después de comentarios públicos fueron recibidos en la reunión de involucramiento pública 2.

- Mejora el acceso de peatones a la parada de tránsito con las aceras que cumplen con ADA y podrán ser mejoradas por el espacio de los carriles de la nueva alineación y el puente y la conexión de vuelta a Hively en el lado oeste.
- Hay un cruce de paso temporalmente y permanentemente adquiridos para este proyecto.

Construcción está estimada a comenzar en el 2021 y estará dividida en tres fases conllevando a la Avenida Hively en el cruce al grado hacia la carretera que se puede:

- La Fase 1 realineará a la Avenida Hively al sur, mientras la construcción empieza al sur de la Avenida Hively. Cierres serán requeridos en las calles Hammond, Winton y las Avenidas Roosevelt/Hammond y la calle Main. Durante este tiempo, una ruta alternativa de desvío será brindada utilizando SR 20 y CR 13.
- La Fase 2 requerirá cierres temporales en la Avenida Morgan, estas acciones de la Avenida Hively, la Avenida Roosevelt, la Calle Winton, y la ruta de desvío será brindada utilizando la Avenida Pleasant Plain, SR 20 y CR 13.
- La Fase 3 incluye el cierre permanente del alineamiento que está de la Avenida Hively y el cruce de los carriles para tráfico en el alineamiento nuevo de la Avenida Hively.

Federal, state, and local agencies will be used to conduct this project. INDOT and the Federal Highway Administration (FHWA) have agreed that, at this time, there is no additional public involvement because of impacts to residential and commercial properties. The EA and preliminary design information is available at the following locations:

1. Elkhart Public Library, Pierre Morse Branch, 2400 Barnhart Avenue Elkhart, IN 46517
2. City of Elkhart Street Department, 221 S. 17th St. Elkhart, IN 46516
3. INDOT District Office, 4533 Harford Road, Fort Wayne, IN 46825
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Project documents can be viewed upon request.

Project information, including a copy of EA, are available at the City of Elkhart website at <http://www.elkhartindiana.org/transportation-local-trax-project>. The presentation, boards, exhibits and handouts will be available on the City of Elkhart website at <http://www.elkhartindiana.org/transportation-local-trax-project>.

Public comments for the record will be taken as part of the public hearing program. All verbal statements received during the public hearing and all written comments submitted prior to, during and after a period of ten (10) business days following the hearing date, will be reviewed, considered and addressed in subsequent environmental documentation. Written comments received prior to the public hearing and within the comment period by Elkhart Public Library, 3315 River Crossing Parkway, Suite 20, Indianapolis, IN 46244, or with advance notice, INDOT, will provide accommodations for persons with disabilities who request to attend. INDOT will provide accommodations for persons with disabilities including arranging auxiliary aids, information services for the hearing program, and other services as needed. In addition, INDOT will provide accommodations for persons with Limited English Proficiency (LEP) requiring a language assistance program. Such accommodations may be arranged by contacting Erin Peltin by phone at (317) 969-7301 or email at erinpeltin@indot.gov.

Each State must have procedures approved by the FHWA to carry out a public hearing under 23 CFR 771.111. Indiana program 23 CFR 452.212(a)(1)(ii) states: "Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to interested parties and that the process, as appropriate," and 23 CFR 452.212(b) states: "The 2021 INDOT Project Development Public Involvement Procedures Manual approved by the FHWA."

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Elkhart
City of Goshen
Goshen News Fed ID # 82-2664009

ad# 1781099

ISSUED:

The subscriber, being duly sworn, deposes and says that she is the said Kristine F. Erb of THE GOSHEN NEWS and that the foregoing notice for

Des. #1801933: Hiveley Ave. Local Trax Project, Elkhart County, IN

was published in said newspaper in one edition of said newspaper issued on

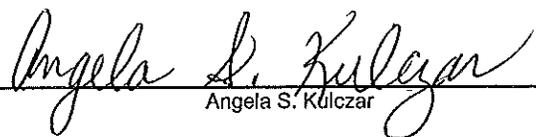
07/07/22

Cost: \$ 262.45



Kristine F. Erb

SUBSCRIBED AND SWORN BEFORE ME ON THIS DAY: July 7, 2022



Notary Public Angela S. Kulczar

My Commission Expires February 04, 2027
Commission # NP0718334



DES. N. 1801933
LEGAL NOTICE OF PUBLIC HEARING
Hively Avenue Local Trail Project in Elkhart County

The Indiana Department of Transportation and City of Elkhart will host a public hearing to inform residents and solicit feedback about Environmental Assessment (EA) and the preferred alternative for the Local Trail Railroad Overpass at Hively Avenue.

The public hearing will be held on Thursday, July 14, at Zion Missionary Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517. The public hearing will begin at 6 p.m. and residents will be allowed to provide verbal and written public comments. Comments will be available at the displays to answer residents' questions from 5 to 8 p.m., and after the hearing until 8 p.m.

The purpose of the open house is to offer all interested persons an opportunity to learn about and comment on the preliminary preferred alternative for the 0.5-mile Local Trail Railroad Overpass at Hively Avenue on the southern side of Elkhart in Elkhart County. The project will extend from Elkhart Avenue to West Street and extend to crossing streets including Morger Avenue, Marlon Avenue, Roosevelt Avenue, Homer Avenue, Main Street, Garden Boulevard, Norfolk Southern Railway, Starling Avenue, Eddy Street, Hammond Avenue, Lowell Avenue and Warren Street.

The project is needed to address traffic congestion caused by approximately 70-100 trucks that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; improve the Level of Service (LOS) to "C" on the new Hively Avenue alignment; and improve the pedestrian environment.

The preferred alternative meets the purpose and need of the project by realigning Hively Avenue to the south with a connection roadway to the north, and better accommodating truck movements in the area.

The preferred alternative:

- Includes an overpass to replace the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allow a vehicle traffic, bicycle and pedestrian movements and trails to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area.
- Improves the LOS to "C".
- Includes a truck route that was included after public comments were received at public involvement meeting.

Improves the sidewalk network greatly, including new, connected, ADA-compliant sidewalks along Hively Avenue and adjacent side streets.

Allows a connection to Morger Elementary School, El Royal supermarket, churches, and residential and business properties, which are adjacent to the trail.

Provides connectivity to the Maplehurst Trail and to the Environmental Center.

Improves pedestrian access between the mainline of the new roadway and bridge and the connection back to Hively on the trail side.

There will be temporary and permanent right-of-way acquired for this project.

Construction is estimated to begin in 2023 and will be divided into three phases, keeping Hively Avenue and the at-grade crossings open to traffic.

Phase 1 will keep Hively Avenue open as construction begins south of Hively Avenue. Closure will be required on intersecting streets including Morger Avenue, Marlon Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing SR 33 and CR 45.

Phase 2 will require temporary closures for Morger Avenue, sections of Hively Avenue, Roosevelt Avenue, Warner Street, and a detour route will be provided utilizing Pleasant Plain Avenue, SR 20, and CR 13.

Phase 3 includes the permanent closure of the existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment.

Federal, state, and local funds are proposed to be used to construct this project. INDOT and the Federal Highway Administration (FHWA) and the Indiana Department of Transportation (INDOT) are currently reviewing the project's impacts to the community or to natural resources. The environmental study was redrafted as an EA because of impacts to residential and commercial properties. The EA and preliminary design information is available to view at the following locations:

1. Zion Missionary Church, 1135 E. Hively Ave., Elkhart, IN 46517
2. City of Elkhart Street Department, 2421 S. 17th St., Elkhart, IN 46516
3. INDOT District Office, 5333 Hartford Road, Fort Wayne, IN 46808
4. City of Elkhart website: <http://www.cityofelkhart.com/transportation/active-lifestyle/projects>
5. Project documents can be mailed upon request.

Project information and copies of EA are available at the City of Elkhart's website at <http://www.cityofelkhart.com/transportation/active-lifestyle/projects>. The presentation, boards, exhibits and handouts will be available on the City's website by July 7, 2022.

Public comments for the record will be taken as part of the public hearing procedure. All verbal statements recorded during the public hearing and all written comments submitted prior to, during and for a period of one (1) week following the public hearing will be reviewed, considered and addressed. It is requested that all comments be submitted in writing to the City of Elkhart, 2421 S. 17th St., Elkhart, IN 46516, or by email to elkhart@cityofelkhart.com. Written comments may be submitted prior to the public hearing and within the comment period; however, after the public hearing, only written comments will be accepted. Comments received after the public hearing will be accepted for the record only. Comments received after the public hearing will be accepted for the record only. Comments received after the public hearing will be accepted for the record only.

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AFFP
LEGAL NOTICE OF PUBLIC HEARING

Affidavit of Publication

STATE OF IN }
COUNTY OF ELKHART } SS

LEGAL NOTICE OF PUBLIC HEARING
Hively Avenue Local Trax Project in Elkhart County
*UPDATE ON DOCUMENT
LOCATION*

Caitlyn Peters, being duly sworn, says:

That she is Advertising Clerk of the Elkhart Truth, a daily newspaper of general circulation, printed and published in Elkhart, Elkhart County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

July 02, 2022

Publication Fees: \$ 24.25

That said newspaper was regularly issued and circulated on those dates.

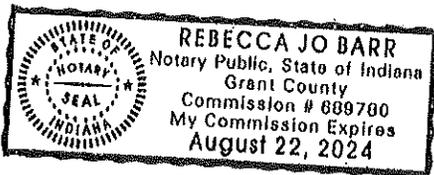
SIGNED:

Caitlyn Peters

Subscribed to and sworn to me this 2nd day of July 2022.

Rebecca Jo Barr

Rebecca Jo Barr, Notary Public 08/22/2024



00014920 70406979

Margie Nieman
Indiana Department of Transportation
100 N. Senate Av. Room N758 PL
Indianapolis, IN 46204

The Indiana Department of Transportation and City of Elkhart will host a public hearing to inform residents and solicit feedback about Environmental Assessment (EA) and the preferred alternative for the Local Trax Railroad Overpass at Hively Avenue.

The public hearing will be hosted on Thursday, July 14, at Zion Missionary Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517.

Prior to and after the public hearing the EA and preliminary design information are available to view at:

1. *Zion Missionary Church, 1135 E. Hively Ave., Elkhart, IN 46517*
2. City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516
3. INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808
4. City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>
5. Project documents can be mailed upon request.

Project information, including a copy of EA, are available at the City of Elkhart's website at <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>. The presentation, boards, exhibits and handouts will be available on the City's website by July 14, 2022. HSPAXLP

AFFP

DES. #: 1801933 LEGAL NOTICE

Affidavit of Publication

STATE OF IN)
COUNTY OF ELKHART } SS

DES. #: 1801933

LEGAL NOTICE OF PUBLIC HEARING
Hively Avenue Local Trax Project in Elkhart County

Caitlyn Peters, being duly sworn, says:

That she is Advertising Clerk of the Elkhart Truth, a daily newspaper of general circulation, printed and published in Elkhart, Elkhart County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 30, 2022
July 07, 2022

Publication Fees: \$ 139.51

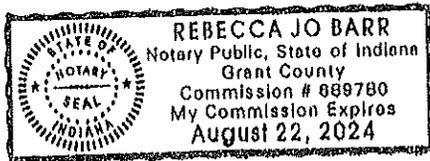
That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Caitlyn Peters

Subscribed to and sworn to me this 7th day of July 2022.

Rebecca Jo Barr
Rebecca Jo Barr, Notary Public 08/22/2024



00014920 70402702

Margie Nieman
Indiana Department of Transportation
100 N. Senate Av. Room N758 PL
Indianapolis, IN 46204

The Indiana Department of Transportation and City of Elkhart will host a public hearing to inform residents and solicit feedback about Environmental Assessment (EA) and the preferred alternative for the Local Trax Railroad Overpass at Hively Avenue.

The public hearing will be hosted on Thursday, July 14, at Zion Missionary Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517. The public hearing will begin at 6 p.m., and residents will be allowed to provide verbal and written public comments. Representatives will be available at the displays to answer residents' questions from 5 to 6 p.m., and after the hearing until 8 p.m.

The purpose of the open house is to offer all interested persons an opportunity to learn about and comment on the preliminary preferred alternative for the 0.5-mile Local Trax Railroad Overpass at Hively Avenue on the southeast side of Elkhart in Elkhart County. The project limits extend from Bismark Avenue to Hazel Street and extend to crossing streets including Monger Avenue, Morton Avenue, Roosevelt Avenue, Homer Avenue, Main Street, Garden Boulevard, Norfolk Southern Railway, Sterling Avenue, Eddy Street, Hammond Avenue, Lowell Avenue and Warren Street.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; improve the Level of Service (LOS) to a "C" on the new Hively Avenue alignment; and improve bike/pedestrian movements.

The preferred alternative meets the purpose and need of the project by realigning Hively Avenue to the south with a connection roadway to the north, and better accommodating truck movements in the area.

The preferred alternative:

- Includes an overpass to replace the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allows vehicular traffic, bicycle and pedestrian movements and trains to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area.
- Improves the LOS to "C."
- Includes a truck route that was included after public comments were received at public involvement meeting 2.
- Improves the sidewalk network greatly, including new, connected, ADA-compliant sidewalks along Hively Avenue and adjacent side streets.
- Allows a connection to Monger Elementary School, El Rosal supermarket, churches, and residential and business properties; which is an overall benefit to the community.
- Provides connectivity to the MapleHeart Trail and to the Environmental Center.
- Improves pedestrian access to the transit stop with ADA-compliant sidewalks and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside.

There will be temporary and permanent right-of-way acquired for this project.

Construction is estimated to begin in 2023 and will be divided into three phases, keeping Hively Avenue and the at-grade crossings open as long as possible.

- Phase 1 will keep Hively Avenue open as construction begins south of Hively

Avenue. Closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing SR 33 and CR 45.

- Phase 2 will require temporary closures on Monger Avenue, sections of Hively Avenue, Roosevelt Avenue, Warren Street; and a detour route will be provided utilizing Pleasant Plain Avenue, SR 20, and CR 13.
- Phase 3 includes the permanent closure of the existing Hively Avenue alignment and railroad crossing and allows traffic onto the new Hively Avenue alignment.

Federal, state, and local funds are proposed to be used to construct this project. INDOT and the Federal Highway Administration (FHWA) have agreed that, at this time, there is no substantial public controversy concerning impacts to the community or to natural resources. The environmental study was reclassified as an EA because of impacts to residential and commercial properties. The EA and preliminary design information is available to view prior at the following locations:

1. Zion Missionary Church, 1135 E. Hively Ave., Elkhart, IN 46517
Benham Avenue Elkhart, IN 46517

2. City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516

3. INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808

4. City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>

5. Project documents can be mailed upon request.

Project information, including a copy of EA, are available at the City of Elkhart's website at <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>. The presentation, boards, exhibits and handouts will be available on the City's website by July 7, 2022.

Public statements for the record will be taken as part of the public hearing procedure. All verbal statements recorded during the public hearing and all written comments submitted prior to, during and for a period of two (2) weeks following the hearing date, will be evaluated, considered and addressed in subsequent environmental documentation. Written comments may be submitted prior to the public hearing and within the comment period to: Michael Baker International, 3815 River Crossing Parkway, Suite 20, Indianapolis, IN 46240 or ElkhartLocalTrax@mbakerintl.com. INDOT respectfully requests comments be submitted by July 31, 2022

With advance notice, INDOT will provide accommodations for persons with disabilities with regards to participation and access to project information as part of the hearings process including arranging auxiliary aids, interpretation services for the hearing impaired, services for the slight impaired and other services as needed. In addition, INDOT will provide accommodations for persons of Limited English Proficiency (LEP) requiring auxiliary aids including language interpretation services and document conversion. Such accommodations may be arranged by contacting Erin Pipkin, by phone at (317) 966-7301 or email at erin@compassoutreachsolutions.com.

This notice is published in compliance with: 1) Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1) stating, "Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program."; 2) 23 CFR 450.210(a)(1)(ix) stating, "Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate."; and 3) The 2021 INDOT Project Development Public Involvement Procedures Manual approved by the FHWA.
HSPAXLP

Affidavit of Publication

STATE OF IN }
COUNTY OF ELKHART } SS

Caitlyn Peters, being duly sworn, says:

That she is Advertising Clerk of the Elkhart Truth, a daily newspaper of general circulation, printed and published in Elkhart, Elkhart County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 30, 2022
July 07, 2022

Publication Fees: \$ 288.11

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Caitlyn Peters

Subscribed to and sworn to me this 7th day of July 2022.

Rebecca Jo Barr

Rebecca Jo Barr, Notary Public 08/22/2024



00014920 70402734

Margie Nieman
Indiana Department of Transportation
100 N. Senate Av. Room N758 PL
Indianapolis, IN 46204

AVISO LEGAL DE AUDENCIA PÚBLICA
Proyecto "Local Trax" de la Avenida Hively en el Condado "Elkhart County"

El Departamento de Transporte de Indiana y la ciudad de Elkhart tendrán una audiencia pública para informar residentes y solicitar retroacción o comentarios sobre la evaluación medio-ambiental.(EA) y la preferida alternativa para el paso superior de ferrocarril "Local Trax" en la Avenida Hively.

La audiencia pública será hospedada el día jueves, 14 de Julio, en la Iglesia Zion Missionary Church, 1135 E. Hively Avenue, Elkhart, Indiana 46517. La audiencia pública empezará a las 6 p.m., y residentes podrán disponer comentarios verbales y escritos. Representantes estarán disponibles en las muestras para contestar preguntas de residentes de 5 a 6 p.m., y después de la audiencia pública hasta las 8 p.m.

El propósito de esta audiencia pública es para ofrecer todas las personas interesadas una oportunidad para aprender y comentar sobre la alternativa preferida preliminar para el 0.5-milla paso superior de ferrocarril "Local Trax" en la Avenida Hively en el lado sureste de Elkhart en el condado de Elkhart. Los límites del proyecto extienden desde la Avenida Bismark hasta la calle Hazel y extiende a las calles cruzantes/interseclantes incluyendo a la Avenidas Monger, Roosevelt y Homer, la calle Main, Garden Boulevard, Norfolk Southern Railway, la Avenida Sterling, la calle Eddy, las Avenidas Hammond y Lowell y la Calle Warren.

El Proyecto se necesita para dirigir la congestión de tráfico causada por aproximadamente 70-100 trenes que utilizan las vías de ferrocarril en la Avenida E. Hively cada día. El propósito de este proyecto es mejorar movilidad y seguridad entre el área del proyecto eliminando congestión de vehículos y a la vez manteniendo el acceso y la conectividad; mejorar el nivel de servicio (LOS) a una "C" en la nueva alineación de la Avenida Hively; y mejorar los movimientos de bicicleta y peatones.

La alternativa preferida alcanza el propósito y necesidad del proyecto por el hecho de que realinea la Avenida Hively al sur con la conexión de carretera al norte, y acomodando mejor al movimiento de camiones en el área.

The alternativa preferida:

- Incluye un paso superior para reemplazar el cruce al grado de la Avenida Hively y las vías del ferrocarril Norfolk y permite tráfico vehicular y movimiento de bicicleta y de peatones y de trenes para moverse independientemente de cada uno. Esto rebajará la congestión y mejorará la movilidad y fiabilidad de viaje/transporte del todo en el área del proyecto
- Mejorará el "LOS" a una "C."
- Incluye una ruta de camiones que fue incluida después de comentarios públicos fueron recibidos en la reunión de involucración pública 2.
- Mejora muchísimo la red de aceras incluyendo aceras nuevas y cumplidas con ADA por la Avenida Hively y las calles paralelas de lado. Permite la conexión a la escuela Monger Elementary, el supermercado Rosal, Iglesias y propiedades residenciales y comerciales la cual será un beneficio a la comunidad.
- Brinda la conectividad a la MapleHeart Trall y al Centro Medio-ambiental "Environmental Center".
- Mejora el acceso de peatones a la parada de tránsito con las aceras que cumplen con ADA y podrán ser mejoradas por el espacio verde propuesta ubicada entre la línea principal de la nueva carretera y el puente y la conexión de vuelta a Hively en el lado oeste.

Habrá derecho de paso temporalmente y permanentemente adquirida para este proyecto.

Construcción está estimada a empezar en el 2023 y estará dividida en tres fases manteniendo a la Avenida Hively y los cruce al grado abiertas hasta tanto tiempo que se pueda.

- La Fase 1 mantendrá a la avenida Hively abierta mientras la construcción empieza al sur de la Avenida Hively. Cierres serán requeridas en las calles intersectantes incluyendo a las Avenidas Roosevelt, Homer, Hammond y la calle Warren. Durante este tiempo, una ruta alternativa/desvío será brindada utilizando SR 33 y CR 45.
- La Fase 2 requerirá cierres temporarios en la Avenida Monger, unas secciones de la Avenida Hively, la Avenida Roosevelt, la Calle Warren; y la ruta de desvío será brindada utilizando la Avenida Pleasant Plain, SR 20 y CR 13
- La Fase 3 incluye el cierre permanente del alineamiento que existe de la Avenida Hively y el cruce de ferrocarril y permite tráfico en el alineamiento nuevo de la Avenida Hively

Fondos federales, locales y del estado están propuestas para ser utilizadas en la construcción de este proyecto. INDOT y el "Federal Highway Administration" (FHWA) han estado de acuerdo que, en este momento, no hay controversia pública sustancial relativo a los impactos a la comunidad o a los recursos naturales. El estudio medioambiental fue reclasificado como un EA por los impactos a las propiedades residenciales y comerciales. El EA y la información del diseño preliminar están disponibles para ver en las siguientes ubicaciones:

1. Zion Missionary Church, 1135 E. Hively Ave., Elkhart, IN 46517
2. City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516
3. INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808
4. City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>
5. Documentos del proyecto podrán ser enviados por correo a petición.

Información del proyecto, incluyendo una copia de EA, estarán disponibles en la página web de la ciudad de Elkhart en <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>. La presentación, tableros, exposiciones y volantes estarán disponibles en la página web de la ciudad para el 7 de Julio, 2022.

Comentarios públicos para el registro se tomarán como parte del procedimiento de la audiencia pública. Todos los comentarios verbales grabados durante la audiencia pública y todos los comentarios escritos presentados antes de, durante y por un periodo de dos (2) semanas después de la fecha de la audiencia pública serán evaluados, considerados y dirigidos en documentación medioambiental posterior. Comentarios escritos podrán ser presentados antes de la audiencia pública y dentro del periodo de comentarios a: Michael Baker International, 3815 River Crossing Parkway, Suite 20, Indianapolis, IN 46240 or ElkhartLocalTrax@mbakerintl.com. INDOT con respeto pedimos los comentarios presentados para el 31 de julio,

Con aviso avanzado, INDOT brindara alojamientos para personas con discapacidades con respecto a la participación y el acceso a la información del proyecto como parte del proceso de la audiencia pública incluyendo organizando a ayudantes auxiliares, servicios de interpretación para personas con discapacidad auditiva, servicios para personas con discapacidad de visión y otros servicios necesarios. Además, INDOT brindará alojamientos para personas con competencia de inglés limitada "Limited English Proficiency" (LEP) requiriendo ayudantes auxiliares incluyendo servicios de interpretación de idiomas y traducción de documentos. Estos alojamientos podrán ser organizados contactando a Erin Pipkin por teléfono: (317) 966-7301 o correo electrónico/ email en: erin@compassoutreachsolutions.com.

Este aviso está publicado en cumplimiento con: 1) Code of Federal Regulations, Title 23, Section 771 (CFR 771.111(h)(1) que dice "Cada estado deberá tener procedimientos aprobados por el FHWA para realizar un programa de audiencia pública 2) 23 CFR 450.210(a)(1)(ix) que dice, "Proveer la revisión periódica de la efectividad del proceso de involucramiento público para asegurar que el proceso brinda acceso abierto y completo a todas las personas interesadas y revisa el proceso como apropiado" y 3) El Manual de desarrollo del procedimiento de Involucración Pública de INDOTA 2021 aprobada por el FHWA.
HSPAXLP

**Aviso de audiencia pública:
Detalles del Proyecto “Local
Trax” en la Avenida Hively:**

- jueves 14 de julio, 2022
- audiencia pública:
 - a las 6 p.m.
 - Casa abierta: de 5-6,
7-8 p.m.
- en la Iglesia
“Zion Missionary Church”
- 1135 E. Hively Avenue
Elkhart, IN 46517

**Comentarios públicos son
solicitadas para el 31 de
julio, 2022.**

Michael Baker International
3815 River Crossing Parkway
Suite 20
Indianapolis, IN 46240

www.elkhartindiana.org



Notice of Public Hearing: Hively Avenue Local Trax Project



The Indiana Department of Transportation (INDOT) and the City of Elkhart have published the Environmental Assessment for the Hively Avenue Local Trax project in Elkhart County.

To inform residents and solicit feedback about the preferred alternative, a public hearing is being held Thursday, July 14, 2022.

The preferred alternative replaces the at-grade crossing on Hively Avenue with a bridge relocated to the south to carry Hively Avenue traffic over the railroad tracks.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity, and improving bike and pedestrian movements.

HEARING DETAILS:

Thursday, July 14, 2022

Hearing: 6 p.m.

Open house: 5-6, 7-8 p.m.

Zion Missionary Church

1135 E. Hively Avenue

Elkhart, IN 46517

Public comments are requested by July 31, 2022.





Notice of Public Hearing: Hively Avenue Local Trax Project

The Indiana Department of Transportation (INDOT) and the City of Elkhart have published the Environmental Assessment for the Hively Avenue Local Trax project in Elkhart County.

To inform residents and solicit feedback about the preferred alternative, a public hearing is being held Thursday, July 14, 2022.

The preferred alternative replaces the at-grade crossing on Hively Avenue with a bridge relocated to the south to carry Hively Avenue traffic over the railroad tracks.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity, and improving bike and pedestrian movements.



Please join us for the public hearing:

Thursday, July 14, 2022

Hearing: 6 p.m.

Open house: 5-6, 7-8 p.m.

Zion Missionary Church

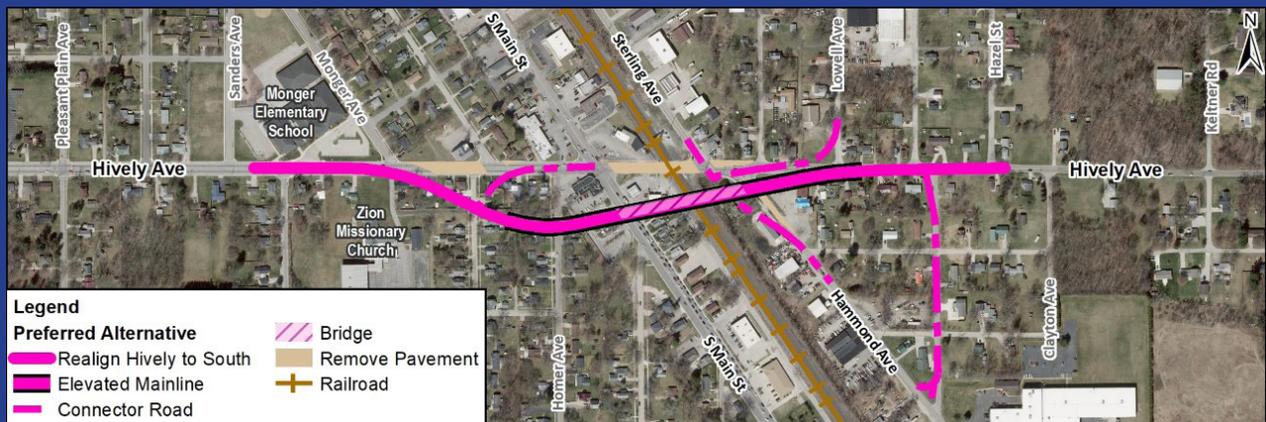
1135 E. Hively Avenue

Elkhart, IN 46517



Aviso de audiencia pública: Detalles del Proyecto “Local Trax” en la Avenida Hively:

- jueves 14 de julio, 2022
- audiencia pública: a las 6 p.m., Casa abierta: de 5-6, 7-8 p.m.
 - en la Iglesia “Zion Missionary Church”
 - 1135 E. Hively Avenue , Elkhart, IN 46517



El Departamento de Transporte de Indiana (INDOT) y la ciudad de Elkhart han publicado la evaluación medio-ambiental el Proyecto “Local Trax” en la Avenida Hively en el Condado de Elkhart.

Para informar residentes y solicitar comentarios y opiniones sobre la alternativa preferida, una audiencia pública se llevará a cabo el jueves 14 de Julio, 2022

La alternativa preferida reemplaza el cruce al-grado en la avenida Hively con un puente reubicado al sur y lleva al tráfico de la Avenida Hively por encima de las vías del ferrocarril.

El proyecto se necesita para dirigir la congestión de tráfico causada por aproximadamente 70-100 trenes que utilizan las vías de ferrocarril en la Avenida E. Hively cada día. El propósito de este proyecto es mejorar movilidad y seguridad entre el área del proyecto eliminando congestión de vehículos y a la vez manteniendo el acceso y la conectividad; mejorar el nivel de servicio (LOS) a una “C” en la nueva alineación de la Avenida Hively; y mejorar el movimiento de bicicleta y peatones.



Public Hearing In-Person Meeting Materials



INDIANA DEPARTMENT OF TRANSPORTATION

Thursday, July 14, 2022

Welcome local residents, interested citizens and elected officials,

Welcome to the City of Elkhart and Indiana Department of Transportation's (INDOT) public hearing regarding the Proposed Hively Avenue Local Trax Railroad Grade Separation project in Elkhart.

The purpose of this public hearing is to offer all interested persons an opportunity to comment on current design plans and the environmental document for this project.

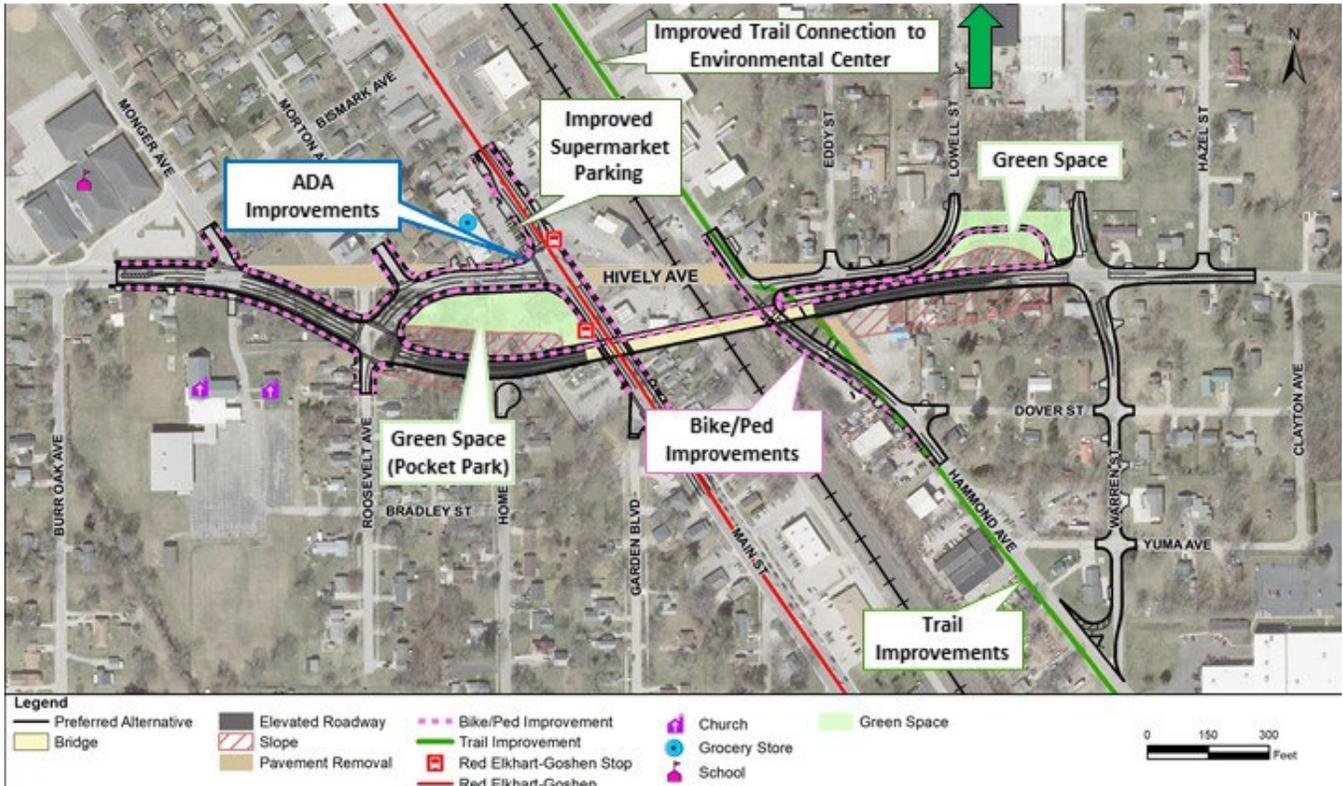
There are several ways your comments may be presented this evening and following tonight's public hearing. You may submit comments in the following manner:

1. **Complete** a comment form and return it to an INDOT, Elkhart or project team representative attending the public hearing. Comment forms are available at the sign-in table and also included in your information packet.
2. **Participate** as speaker during the comment session following tonight's presentation.
3. **E-mail** comments to ElkhartLocalTrax@mbakerintl.com.
4. **Mail** comments to 3815 River Crossing Parkway, Suite 20, Indianapolis, IN 46240. Please note Hively Avenue Local Trax on your correspondence.
5. **Visit** <https://elkhartindiana.org/government/street-department/hively-overpass/> to learn more about this project.
6. **Submit** comments (or have comments postmarked by) **July 31, 2022**. Comments will be reviewed and considered as part of INDOT's and the City of Elkhart's decision-making process.
7. **Questions?** Contact INDOT Customer Service at 1-855-INDOT-4-U (1-855-463-6848).

The purpose of the hearing is to offer all interested persons an opportunity to learn about and comment on the preferred alternative for the 0.5-mile Local Trax Railroad Overpass at Hively Avenue on the southeast side of Elkhart in Elkhart County. The project limits extend from Bismark Avenue to Hazel Street and extend to crossing streets including Monger Avenue, Morton Avenue, Roosevelt Avenue, Homer Avenue, Main Street, Garden Boulevard, Norfolk Southern Railway, Sterling Avenue, Eddy Street, Hammond Avenue, Lowell Avenue and Warren Street.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; and improve bike/pedestrian movements.

The preferred alternative meets the purpose and need of the project by realigning Hively Avenue to the south with a connection roadway to the north, and better accommodating truck movements in the area.



The preferred alternative:

- Includes an overpass to replace the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allows vehicular traffic, bicycle and pedestrian movements and trains to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area.
- Includes improvements to Warren Street to facilitate truck movements was developed based on feedback received at public involvement meeting 2. Includes extensive sidewalk improvements to the network, including new, connected, ADA-compliant sidewalks along Hively Avenue and adjacent side streets.
- Provides continuous network connection to Monger Elementary School, the Environmental Center, the MapleHeart Trail, El Rosal supermarket, churches, and residential
- Improves pedestrian access to the transit stop with ADA-compliant sidewalks and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside.

There will be temporary and permanent right-of-way (land) acquired for this project.

Construction is estimated to begin in 2023 and will be divided into phases, keeping Hively Avenue and the at-grade crossings open as long as possible.



Public Hearing Agenda

- 5 p.m. – Doors open and project team is available for questions
- 6 p.m. – Formal presentation, followed immediately by the public comment session
- 8 p.m. – Hearing adjourns

All substantive comments received prior to, during and following the public hearing will be evaluated and responded to in writing within subsequent project documentation. The documentation will address concerns presented during the public hearing process and describe project decisions reached following careful consideration of the views and concerns of the public.

The project team will be available in the display area to explain project details and address questions prior to and following the public hearing.

Federal, state, and local funds are proposed to be used to construct this project. INDOT and the Federal Highway Administration (FHWA) have agreed that, at this time, there is no substantial public controversy concerning impacts to the community or natural resources. The environmental study was reclassified as an EA because of its impacts to residential and commercial properties.

The EA and preliminary design information are available to view prior at the following locations:

- Zion Missionary Church, 1135 E. Hively Ave., Elkhart, IN 46517
- City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516
- INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808
- City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>
- Project documents can be mailed upon request.

Thank you for attending tonight's public hearing.

Hively Avenue Local Trax Project

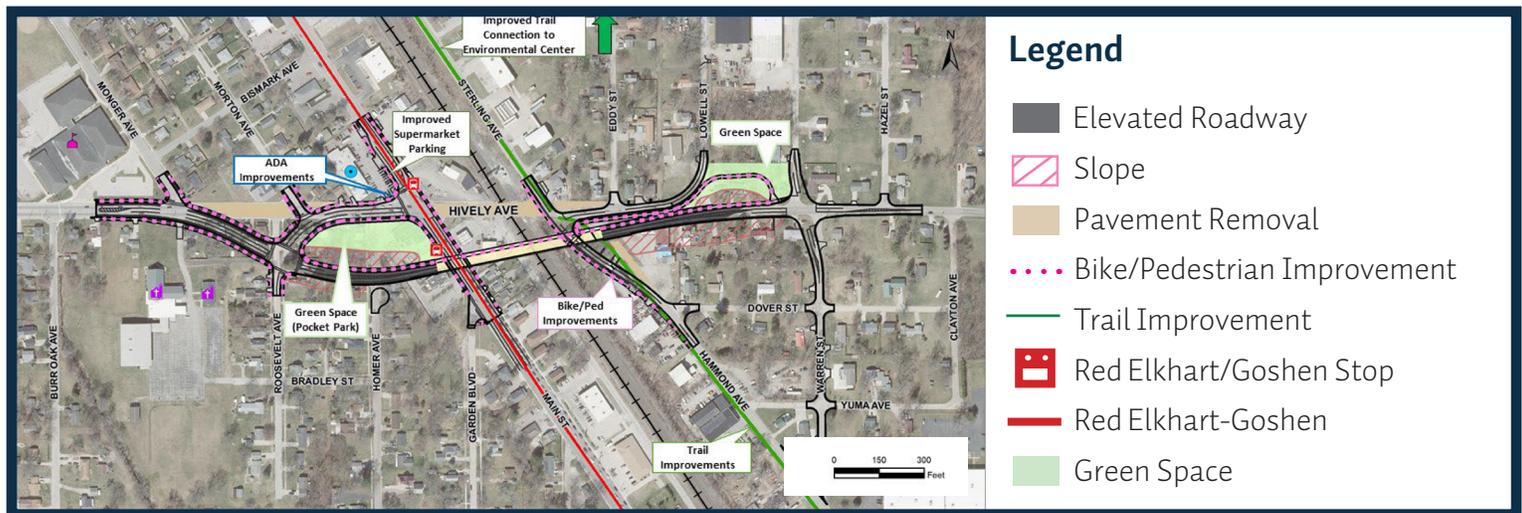
DES. #: 1801933

Preferred Alternative

INDOT and the City of Elkhart are proposing the construction of an overpass and the realignment of E. Hively Avenue on the southeast side of Elkhart in Elkhart County.

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; improve the Level of Service (LOS) to a “C” on the new Hively Avenue alignment; and improve bike/pedestrian movements.

The preferred alternative meets the purpose and need of the project by realigning Hively Avenue to the south with a connection roadway to the north, and better accommodating truck movements in the area.



Land Acquisition

Both temporary and permanent right-of-way (land) will be required for construction, including:

- Approximately 10.32 of permanent right-of-way (ROW) to accommodate the proposed project footprint (6.23 acres residential, 3.72 acres commercial, and 0.37 acre from other land use including 0.11 acre from Elkhart Community Schools, 0.12 acre from churches and 0.14 acre from utilities).
- Approximately 0.88 acre of temporary ROW for grading and construction activities (0.17 acre residential, 0.14 commercial, and 0.57 acre from other land use including 0.02 from churches and 0.55 from the Norfolk Southern Railroad Company).

Land acquisition has already begun, and all properties that will be fully acquired have been contacted already. Appraisal work is also starting currently and all properties that are partially impacted by this project should be contacted by the end of October 2022.

PROJECT TIMELINE



Construction Schedule and Phasing

Construction is estimated to begin in 2023 and will be divided into phases, keeping Hively Avenue and the at-grade crossings open as long as possible. Total construction time is anticipated to be 30 months.

- Phase 1 will require temporary closures along Hively, Monger, Morton, Roosevelt Ave., Homer Ave., Eddy St., Lowell Ave., Warren Ave., Sterling Ave., and Hammond Avenue. Closures during this time will be for short durations at each location for utility relocations.
- Phase 2 will keep Hively Avenue open as construction begins south of Hively Avenue. Major work to be completed during this phase includes reconstruction of Warren Street from Hively Avenue down to Hammond Avenue and the re-alignment of Hammond Avenue from just north of Yuma Avenue to Hively Avenue. Closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing SR 33 and CR 45 for the Hammond Avenue closure.
- Phase 3A will require temporary closures on Roosevelt Avenue, Homer Avenue, Lowell Avenue and sections of Hively Avenue. During this phase of construction the main approach roadway and MSE walls will be constructed along the new Hively Avenue alignment. Due to settlement concerns this portion of construction will require 6 months post construction to allow for natural settlement. A detour for Hively will use the newly constructed Warren Street going south to connect to Hammond Avenue north to the original Hively Avenue.

Estimated Cost

The estimated cost approximately \$30.4 million, including \$3.3 million for engineering and right-of-way design, \$6.7 million for right-of-way acquisition, and \$20.4 for construction.

<https://elkhartindiana.org/government/street-department/hively-overpass/>



Hively Avenue Local Trax Frequently Asked Questions

July 2022

Project Scope

- **What is the purpose and need of the Hively Avenue Local Trax Project?**

The project is needed to address traffic congestion caused by approximately 70-100 trains that utilize the railroad tracks at E. Hively Avenue each day. The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining access and connectivity; and improve bike/pedestrian movements.

- **What are the limits of this project?**

The project limits extend from Bismark Avenue to Hazel Street and extend to crossing streets including Monger Avenue, Morton Avenue, Roosevelt Avenue, Homer Avenue, Main Street, Garden Boulevard, Norfolk Southern Railway, Sterling Avenue, Eddy Street, Hammond Avenue, Lowell Avenue and Warren Street.

- **What role does Norfolk Southern play in this plan?**

Norfolk Southern Railroad is a major stakeholder in the project. The project team has worked closely with them to develop the purpose and need of the project and will continue to do so.

- **What is the preferred alternative?**

The preferred alternative realigns Hively Avenue to the south with a connection roadway to the north, and better accommodates truck movements in the area. Specifically, the preferred alternative:

- Includes an overpass to replace the at-grade crossing of Hively Avenue and the Norfolk Southern Railroad tracks and allows vehicular traffic and pedestrian movements and trains to move independently of one another. This will reduce congestion and improve mobility and overall travel reliability within the project area.
- Includes improvements to Warren Street to facilitate truck movements was developed based on feedback received at public involvement meeting 2.
- Includes extensive sidewalk improvements to the network, including new, connected, ADA-compliant sidewalks along Hively Avenue and adjacent side streets.



- Provides a continuous network creating connectivity to Monger Elementary School, the Environmental Center, the MapleHeart Trail, churches, residential and local businesses.
- Improves connectivity and access to the local supermarket.
- Improves pedestrian access to the transit stop with ADA-compliant sidewalks and may be further enhanced by the proposed green space located between the mainline of the new roadway and bridge and the connection back to Hively on the westside.

- **What will the overpass look like?**

The new bridge will be approximately 550 feet long and 45'-1" wide with a 32-foot curb to curb width. The bridge will provide 23.60 feet of vertical clearance which meets the minimum clearance height requirements for bridges over a railroad. The bridge will provide a 10'-7" Sidewalk, 2-foot left shoulder, two 12-foot travel lanes and a 6-foot right shoulder.

Schedule

- **What is the anticipated construction timeline?**

Construction is estimated to begin in 2023 and will be divided into phases, keeping Hively Avenue and the at-grade crossings open as long as possible. Total construction time is anticipated to be 30 months.

- Phase 1 will require temporary closures along Hively, Monger, Morton, Roosevelt Ave., Homer Ave., Eddy St., Lowell Ave., Warren Ave., Sterling Ave., and Hammond Avenue. Closures during this time will be for short durations at each location for utility relocations.
- Phase 2 will keep Hively Avenue open as construction begins south of Hively Avenue. Major work to be completed during this phase includes reconstruction of Warren Street from Hively Avenue down to Hammond Avenue and the re-alignment of Hammond Avenue from just north of Yuma Avenue to Hively Avenue. Closures will be required on intersecting side streets including Roosevelt Avenue, Homer Avenue, Hammond Avenue, and Warren Street. During this time a detour route will be provided utilizing SR 33 and CR 45 for the Hammond Avenue closure.
- Phase 3A will require temporary closures on Roosevelt Avenue, Homer Avenue, Lowell Avenue and sections of Hively Avenue. During this phase of construction the main approach roadway and MSE walls will be constructed along the new Hively Avenue alignment. Due to settlement concerns this portion of construction will require 6 months post construction to allow for natural settlement. A detour for Hively will use the newly constructed Warren Street going south to connect to Hammond Avenue north to the original Hively Avenue.



- Phase 3B will be a shorter-term construction phase which ties the new Hively alignment into the existing. This will include the reconstruction of intersections at Monger and Hively, Roosevelt and Hively, Warren and Hively, and Hazel Street and Hively. Additional work will include the re-alignment to connect Lowell Avenue and Eddy Street directly to Sterling Avenue. A posted detour route will be provided during this phase which incorporates the use of Pleasant Plain Avenue, Mishawaka Road and County Road 13.
- Phase 4 will construct the new Roosevelt Avenue connection to Main Street and provide final construction modifications to Main Street, Morton Avenue, Garden Boulevard, and Sterling/Hammond Avenue.
- **Are you coordinating with other local projects on the construction schedule?**
Yes

Funding

- **What is the estimated cost?**
The cost is approximately \$30.4 million, including:
 - Engineering & R/W Design: \$3.3 Million
 - Right of Way Acquisition: \$6.7 Million
 - Construction Cost: \$20.4 Million
- **Is all funding for design and construction secured?**
Yes.
- **Will Federal, State and local funds be used?**
Both State and Local funds will be used for this project.



Land Acquisition

- **Does the state need additional land to construct the project? If so, how much is needed?**

Yes, temporary and permanent right-of-way (land) will be required.

The project requires approximately 10.32 of permanent right-of-way (ROW) to accommodate the proposed project footprint (6.23 acres residential, 3.72 acres commercial, and 0.37 acre from other land use including 0.11 acre from Elkhart Community Schools, 0.12 acre from churches and 0.14 acre from utilities). The project also requires approximately 0.88 acre of temporary ROW for grading and construction activities (0.17 acre residential, 0.14 commercial, and 0.57 acre from other land use including 0.02 from churches and 0.55 from the Norfolk Southern Railroad Company).

- **When will land acquisition start?**

Land acquisition has already begun, and all properties that will be fully acquired have been contacted already. Appraisal work is also starting currently and all properties that are partially impacted by this project should be contacted by the end of October 2022.

Traffic Considerations

- **Will access be maintained for businesses and residences during construction?**

Access to all properties will be maintained during construction.

- **Will this project improve travel time and reliability through this area?**

Yes, overall, travel times and reliability will improve due to the elimination of the at-grade railroad crossing.



Emergency Access and Safety

- **Are INDOT and the City of Elkhart coordinating with local emergency responders during the environmental study and design?**

Yes, emergency responders are a major stakeholder and have been engaged throughout the project.

- **How will this project impact emergency response time?**

Removal of the at-grade intersections will provide emergency services with a route that has a “known” travel time that cannot be impacted by stopped trains on the tracks. As with any roadway, motorists will be expected to pull over/stagger to allow passage for emergency vehicles.

Public Involvement

- **How has the public been involved in the project?**

INDOT and the City of Elkhart have hosted three public information meetings in addition to this hearing. Communication tools have been and will continue to be provided through a variety of channels including the City’s website: <https://elkhartindiana.org/government/street-department/hively-overpass/>, local media, and mailers/handouts. Based on community context, meeting notification materials have been translated to Spanish to effectively reach as many people as possible in the community.

- **Are the meeting presentations, exhibits and fact sheets available online? If so, where?**

Yes, all project information is available at the City of Elkhart’s website:

<https://elkhartindiana.org/government/street-department/hively-overpass/>.

- **When will the public comment period close and when will the environmental document be approved?**

The public comment period closes on July 31, 2022. and the environmental document is expected to be approved late Summer 2022.



Public Hearing Presentation



Hively Avenue
Overpass Project
Public Hearing

In-Person
July 14, 2022
5:00 PM - 8:00 PM
Zion Missionary Church

1

Agenda

- Project Team Information
- Overview and Timeline
- Existing Deficiencies
- Purpose and Need
- Preferred Alternative
- Environmental Analysis and Preliminary Property Impacts
- Comments and Feedback
- Next Steps and Timeline

2

Welcome

- Project Information: Hively Avenue Overpass, Hively Avenue over Norfolk Southern RR and Main St, Des No 1801933
 - Project display area
 - Availability of Environmental Document
 - Zion Missionary Church, 1135 E Hively Avenue Elkhart, IN 46517
 - City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516
 - INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808
 - City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>
- Purpose and Format for the Public Hearing
 - Sign-in table w/information handouts
 - Presentation and public comment session
 - If you would like to speak, please sign in on public comment sign in sheet
 - Formal comment recordation (separate table)
 - Written (comment sheet or e-mail) comments
- Public Comment Period Closes July 31, 2022

3

Introductions

- Project Team Members:
 - INDOT
 - City of Elkhart
 - Michael Baker
 - Burgess and Niple
 - VS Engineering
 - SJCA
 - Compass Outreach Solutions
 - Boomerang Ventures, LLC
 - Jdeahl Consulting, LLC



Michael Baker

INTERNATIONAL

BURGESS & NIPLE
Engineers ■ Architects ■ Planners



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Public Notice

- A legal notice of the hearing was posted on Thursday June 30 and July 7 in two local newspapers:
 - Goshen News
 - Elkhart Truth
- A notice of the hearing was mailed out to property owners within the immediate project area and other stakeholders
- Announcement of hearing was posted to the City of Elkhart's website:

<https://elkhartindiana.org/events/hively-avenue-local-trax-project/>

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Project Stakeholders

- City of Elkhart
- INDOT
- Norfolk Southern Railroad
- MACOG
- Residents and Landowners
- Businesses
- Elected Officials
- Police, Fire and School Corporation

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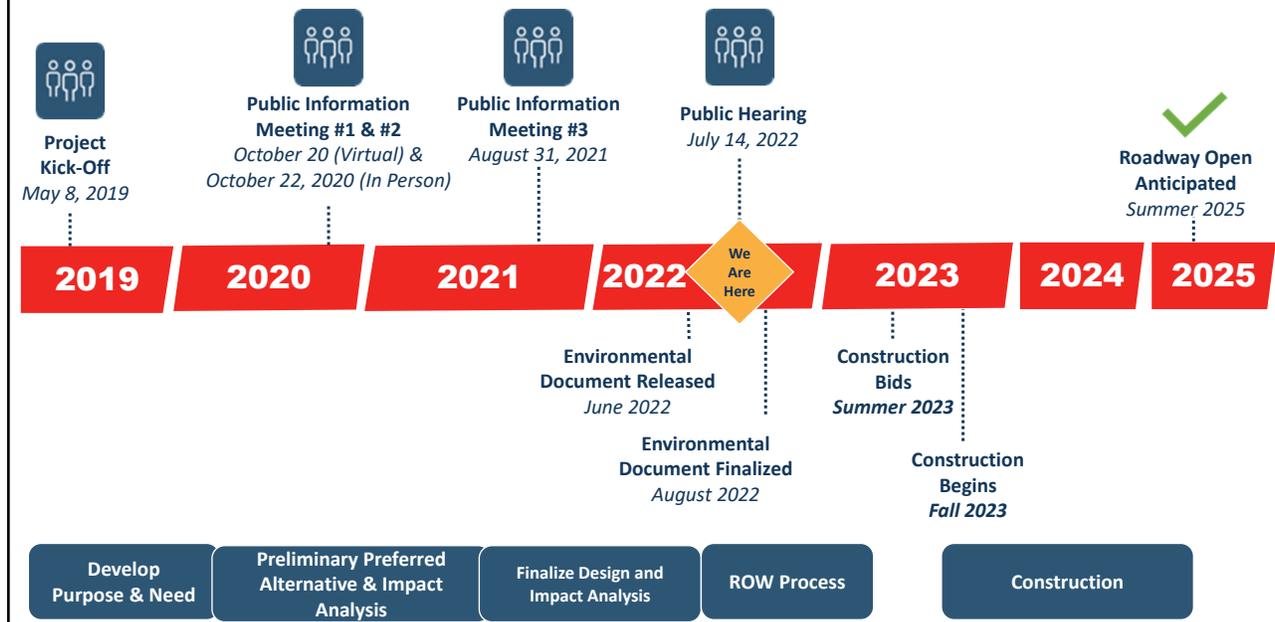
Brief Project Overview

- Elkhart funded Preliminary Feasibility Study (2017)
- Project Advances with Local Trax Funding (2019)
- Phase 1 Engineering and Environmental Studies (On-going)
 - Engineer's Report (2019)
 - Public Meeting (virtual and in-person) in October 2020
 - Approved Environmental Document expected in Summer 2022 ***This is the critical path for property acquisitions for right-of-way.**



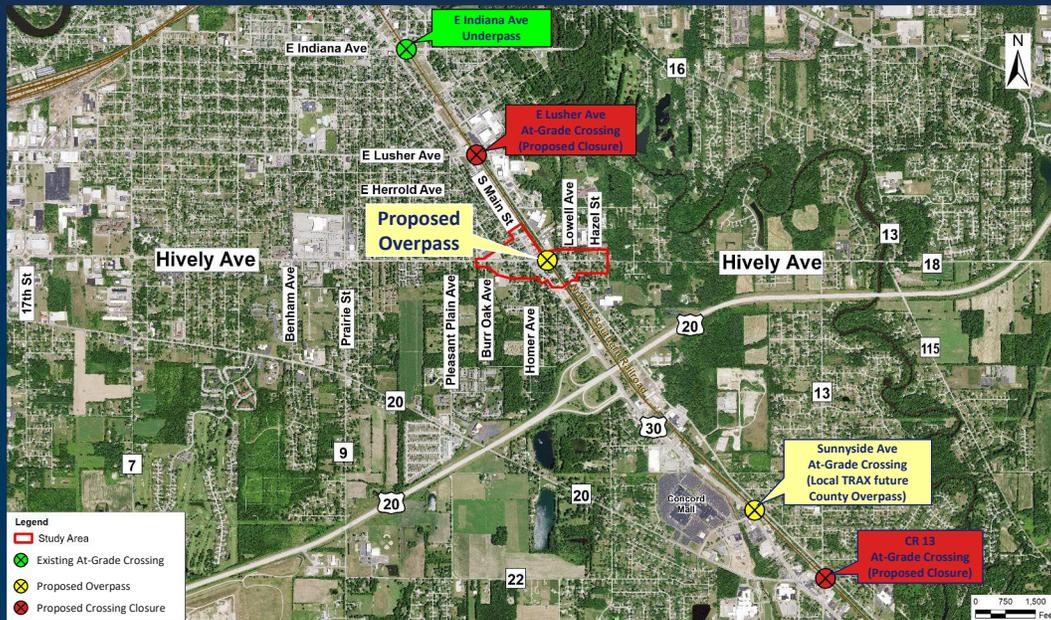
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Timeline/Next Steps



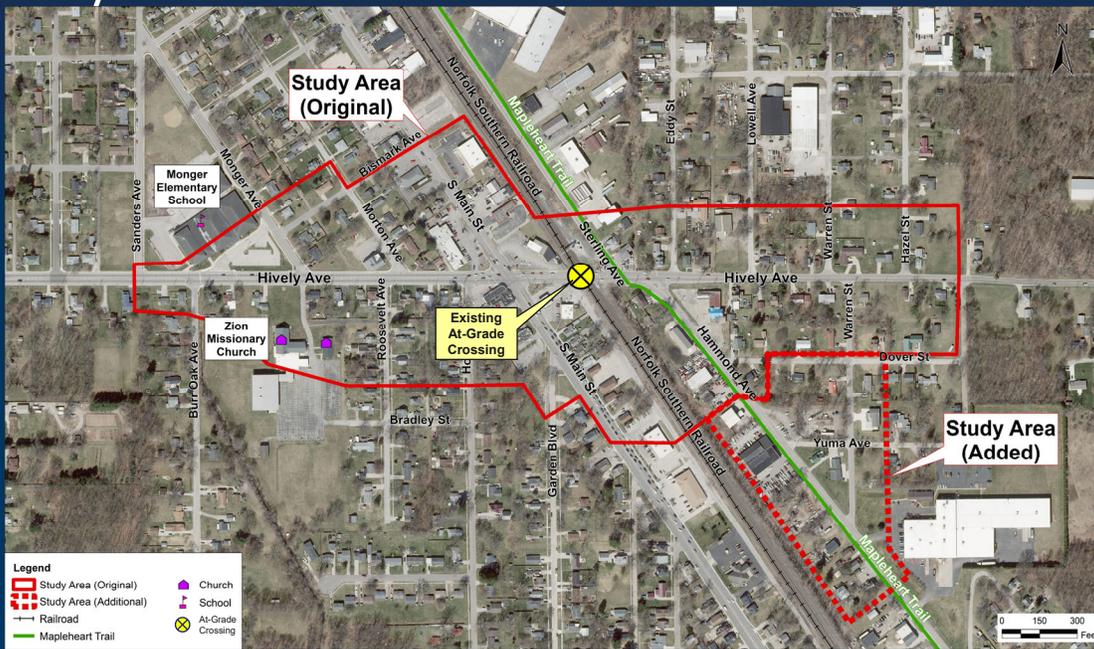
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Area Network



9

Study Area



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Existing Deficiencies



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Existing Deficiencies & Proposed Improvements

- Stopped Traffic Movements
 - Traffic will continue to flow for bicyclists, pedestrians, and vehicles and there will be limited disruptions during construction
- Drainage and Utilities
 - Working with the City to determine utility impacts and improvements
- Sidewalks/Trail Connection
 - New ADA compliant sidewalks will provide connection to the Maple Heart Trail and other side streets
- Truck Movements
 - Identified official truck route on Warren St., south to Hammond

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Purpose and Need

- The project is needed to address traffic congestion, lack of mobility, and safety concerns at the existing at-grade crossing of East Hively Avenue and Norfolk Southern Railroad.
 - 6,000 vehicles traveling along Hively Avenue per day
 - 70-100 trains per day
- The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle backups and congestion while maintaining, as much as possible, access and connectivity.

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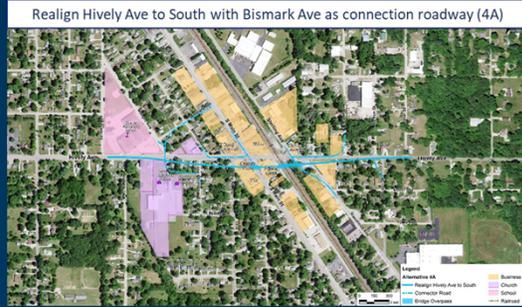
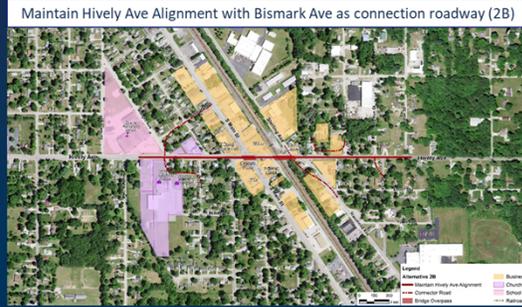
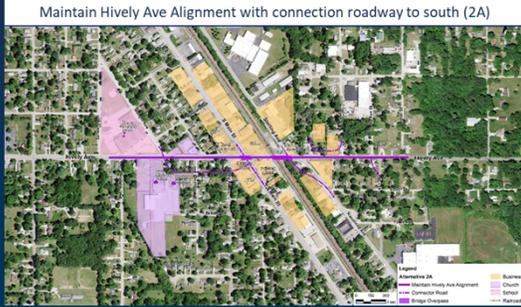
No Build Alternative & Traffic

- The No Build (do nothing) alternative would leave the existing at-grade crossing of Hively Avenue and Norfolk Southern Railroad in place, as is, with minor improvements and routine maintenance. The existing deficiencies would continue to cause safety concerns, limit mobility and access, and fail to meet ADA requirements.
- The No Build does not meet the purpose and need of the project and provides no net benefit to the community. However, the No Build alternative is an important part of project evaluation as a baseline condition.

MACOG Traffic Data			
Location	Current ADT (based on 2019)	Future ADT 2044 No Build	Future ADT 2044 Build
Hively Avenue RR Crossing	6,000	8,200	9,900 (Grade-separated)

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Alternatives Considered



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Preferred Alternative (3A)



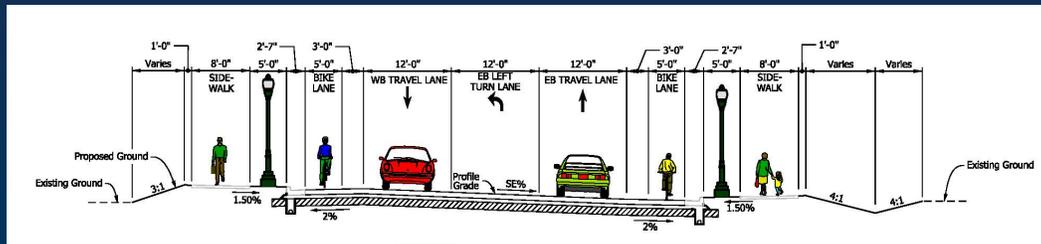
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Preferred Alternative Traffic Flow



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Typical Section – west end near Monger Elementary

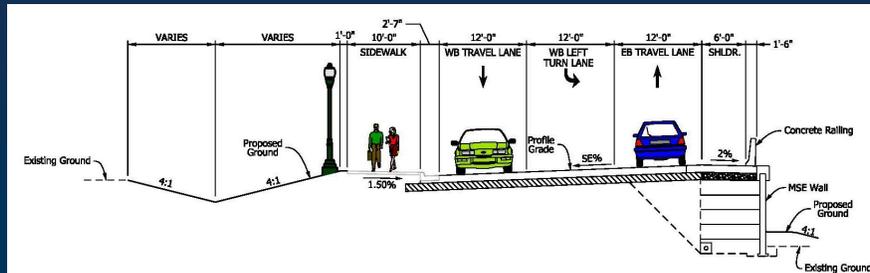


- 1 - 12 foot lane each direction with a middle 12 foot wide turn lane.
- EB & WB Bicycle Lanes connecting to existing Hively Avenue.
- 8 foot sidewalks each side
- Speed Limit: 35 mph

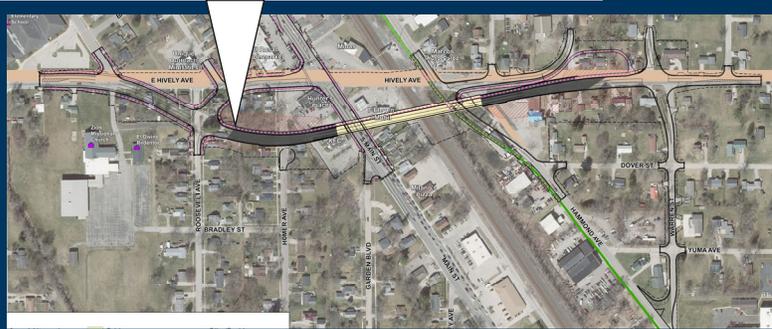


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Typical Section – just east of Roosevelt Ave

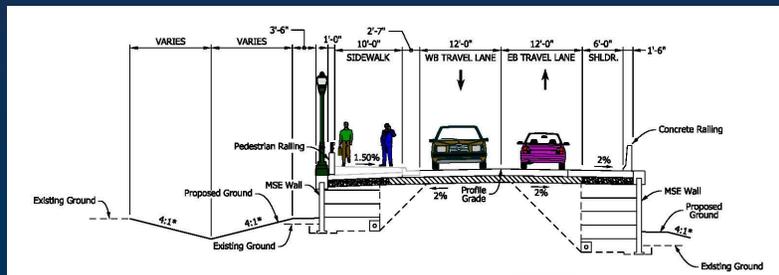


- 1 - 12 foot lane each direction with a middle 12 foot wide turn lane.
- Bicycle Lanes and EB sidewalk terminate before Roosevelt Ave.
- WB sidewalk width increases to 10ft.
- Speed Limit: 35 mph



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Typical Section – west Bridge approach

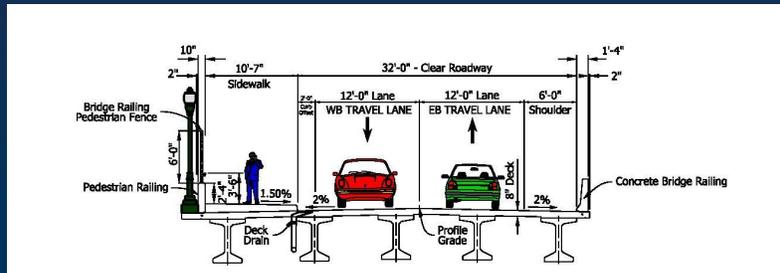


- 1 - 12 foot lane each direction.
- WB sidewalk width remains 10ft.
- Speed Limit: 35 mph
- Roadway constructed on retaining walls both sides.

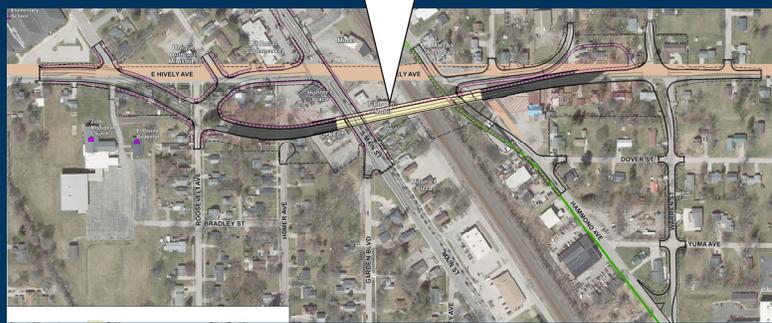


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Typical Section – Bridge

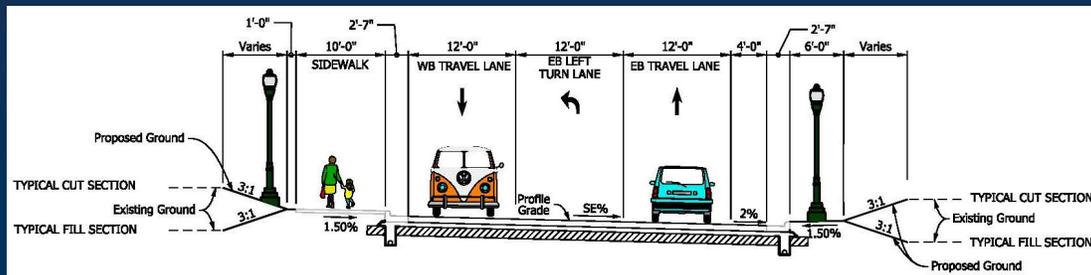


- 1 - 12 foot lane each direction.
- WB sidewalk width remains 10ft.
- Bridge is 45'-1" wide and 550 foot long
- Bridge is comprised of 4 spans with 23.6' vertical clearance over the RR & minimum 20' over Roadway.



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Typical Section – east approach to Bridge

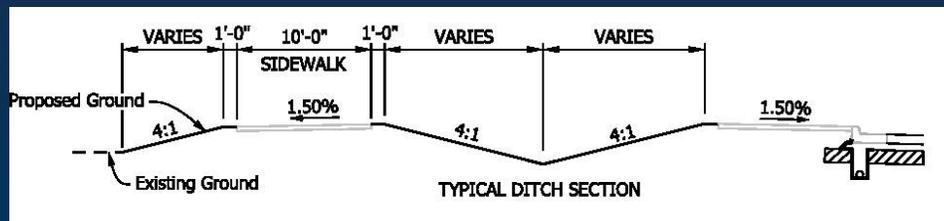


- 1 - 12 foot lane each direction with a middle 12 foot wide turn lane.
- WB sidewalk width is 10ft and continues to Warren Street with a Connection to MapleHeart Trail.
- Speed Limit: 35 mph



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Typical Section – connection to Mapleheart Trail



- 10 foot sidewalk to be constructed. Will connect to the Hively Sidewalk at Warren Street and extend back to Sterling Avenue and MapleHeart Trail.



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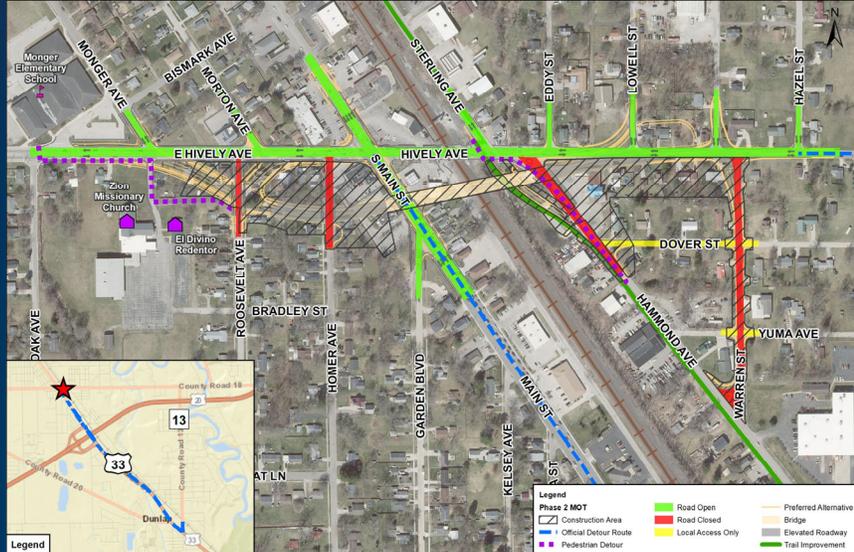
Construction Timeline & Maintenance of Traffic (MOT)

- Construction is estimated to begin in 2023
- Construction will be divided into phases, keeping Hively Avenue and the at-grade crossings open as long as possible.
- Total construction is anticipated to be 30 months
- Traffic will be detoured as needed during construction
- MOT Phase 1
 - Temporary closures for short durations will occur for utility relocations

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MOT Phase 2

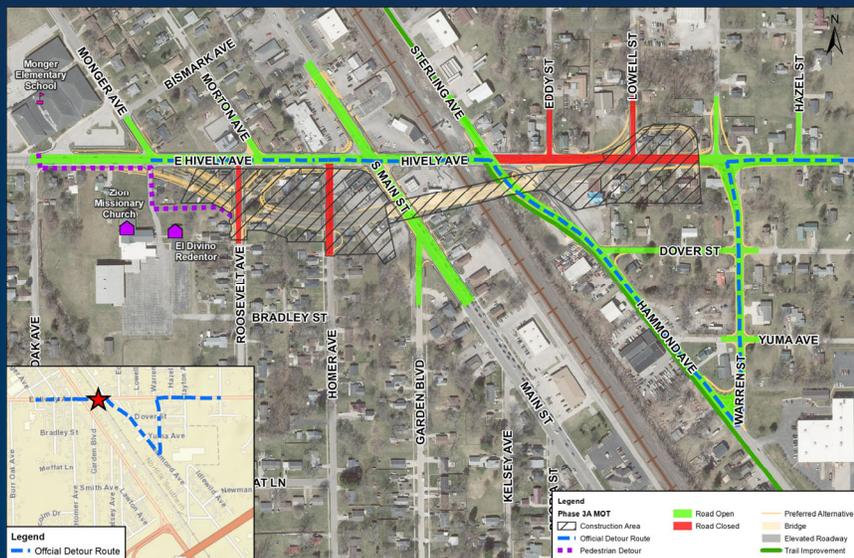
- Hively Ave remains open
- Construction south of Hively Ave
- Reconstruction of Warren Street
- Realignment of Hammond Ave
- Detour while Hammond is closed
- Estimated Duration: 8 Months



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MOT Phase 3A

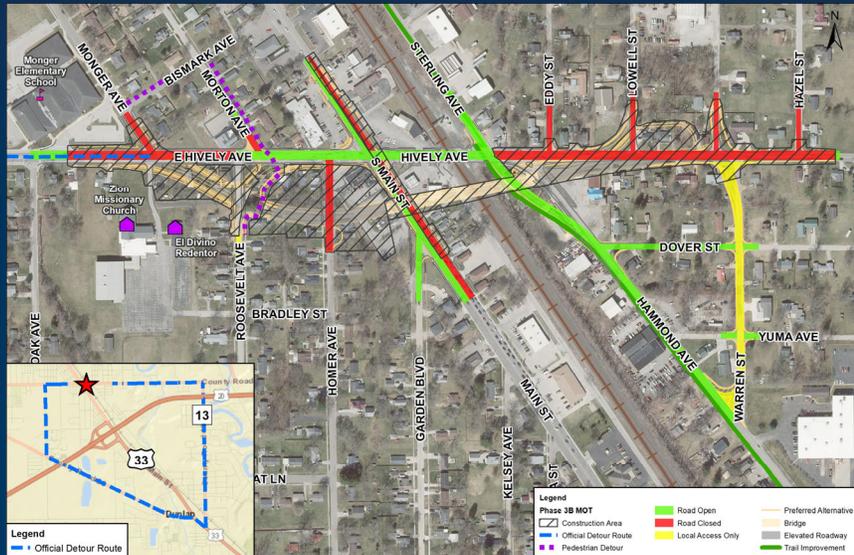
- Hively Ave closed east of Sterling Ave
- Construction of east approach and retaining walls along new alignment
- Closure of intersecting streets
- Requires an additional 6 months to allow for natural settlement
- Detour will use newly constructed Warren Street
- Estimated Duration: 10 Months



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MOT Phase 3B

- Hively Ave closed at east and west ends
- Connect new roadway to existing Hively
- Reconstruct intersections
- Realignment of Lowell Ave and Eddy St
- Detour to Pleasant Valley Ave, Mishawaka Rd and CR 13
- Estimated Duration: 4 Months



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MOT Phase 4

- New roadway open
- Construct new Roosevelt Ave connection
- Final construction of Main St, Morton Ave, Garden Blvd and Sterling/Hammond Ave
- Estimated Duration: 4 Months



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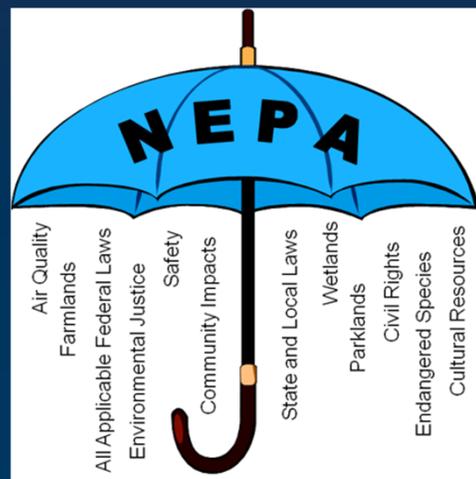
Total Project Cost:

Total Project Cost	State Portion	Local Portion
30.4 Million	17.0 Million	13.4 Million

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National Environmental Policy Act (NEPA) 1970

- NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions
- Project Context:
 - Safety and mobility
 - Community and Environmental Justice Impacts
 - Property Impacts and Displacements



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Preferred Alternative: Environmental Impacts

Environmental Resource	Impact/Assessment
Potential Hazardous Waste Sites (additional assessment is on-going)	13
Streams/Wetlands	0
Floodplain	0
Farmlands	0
Sole Source Aquifer	Agency coordination is on-going
Water Wells	0
Environmental Justice (EJ) Impacts	Yes
Noise, Air Quality, & Other Community Impacts	Minimal
Historic Properties	0
Section 4(f) Resource (Parks, Trails...)	temporary occupancy

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Community Context & Environmental Justice (EJ)

- Executive Order 12898, issued in 1994, established the responsibility of each Federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations"
 - Executive Order 12898: [Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations](#)
- An accompanying Presidential Memorandum directed that human health, economic, and social effects, including effects on minority communities and low-income communities, be included in the analysis of environmental effects pursuant to NEPA.
 - Presidential Memorandum: [Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#)

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Community and Environmental Justice Impacts

- The entire Study Area is comprised of EJ populations: minority, low-income, and minority and low income. The Latino population is well established and there are households where Spanish is the primary language.
- Community impacts are minimal including noise and property impacts to Monger Elementary, Zion Missionary Church, and El Rosal Supermarket.
- The project has minimized property impacts to the extent possible. The project will require twenty-two (22) residential and six (6) commercial displacements. These impacts could not be avoided.
- The property impacts do present adverse effects to EJ populations. However, all build alternatives have comparable property impacts. The No Build would provide no net improvement or benefits and the existing deficiencies would remain.
- Additional measures have been taken to ensure that EJ populations receive due consideration and equitable benefits from the project.

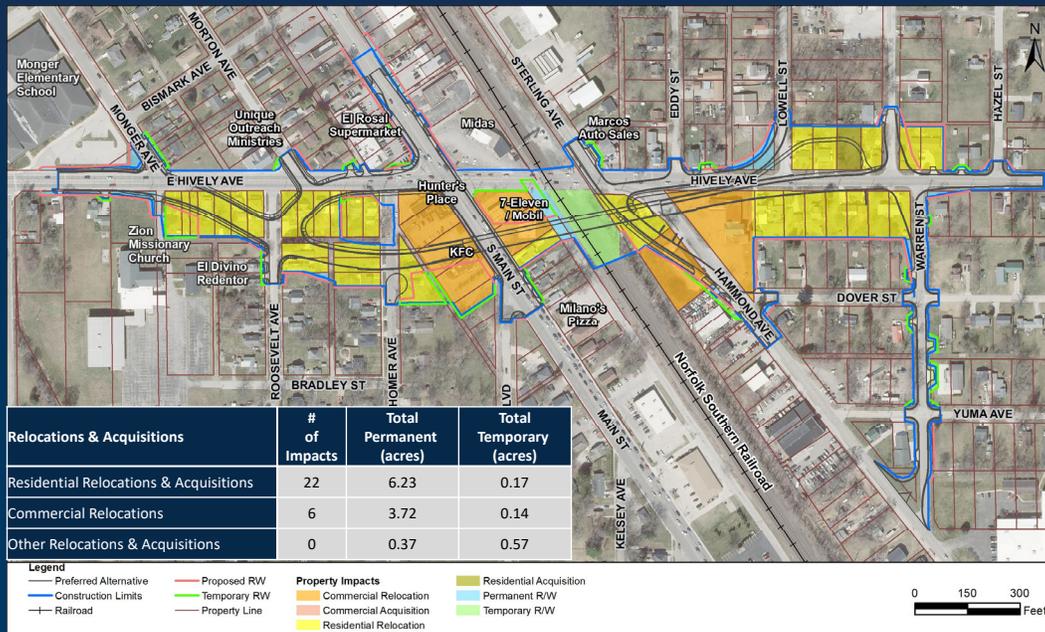
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Benefits of No Build vs Preferred Alternative

Benefits	No Build	Preferred Alternative
Creates connectivity/mobility	X	✓
Eliminates traffic backups/congestion at Norfolk Southern RR crossing	X	✓
Creates sidewalk connection along Hively Avenue	X	✓
Creates a safe pedestrian crossing over the Norfolk Southern RR	X	✓
ADA compliant curb ramps and sidewalk	X	✓
Improved pedestrian facilities with clear crosswalk markings and lighting signals	X	✓
Connection to existing MapleHeart Trail and proposed extension	X	✓
Improved accessibility to bus flag stop locations	X	✓
Improved Elementary School 1 mile walk zone	X	✓

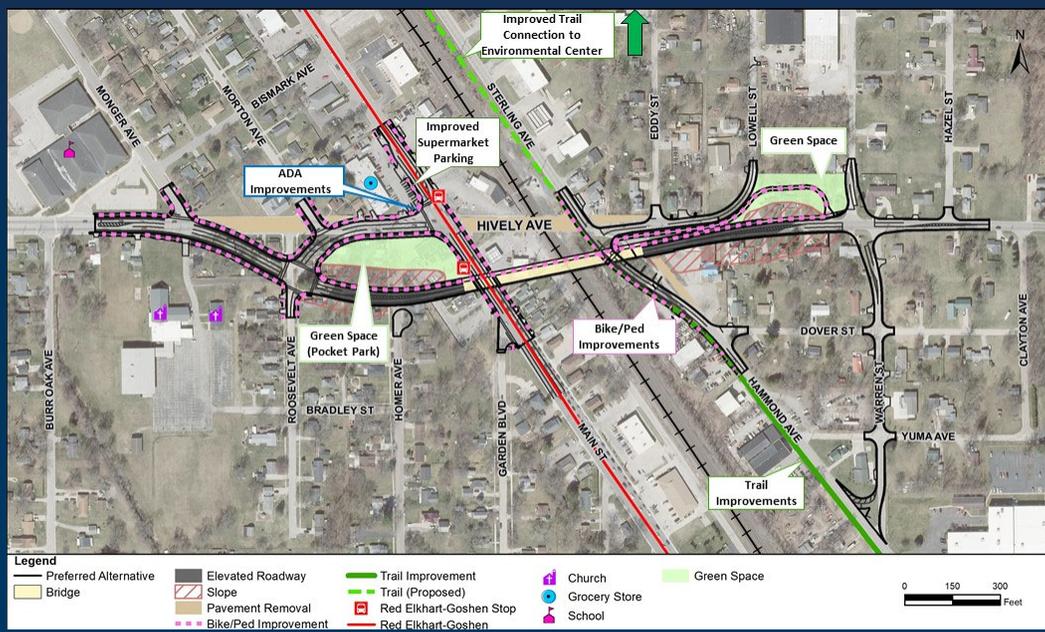
34

Preferred Alternative ROW and Property Impacts



35

Preferred Alternative Benefits



36

Project Status

- The Environmental Assessment (EA) will be finalized after the Public Hearing comment period is over on July 31, 2022
- Sensitive resources, hazardous materials, property impacts, and construction duration continue to be concerns
 - Avoidance and minimization of impacts to property, travel during construction and post construction access and mobility have been incorporated into plan designs
- A Conceptual Site Relocation Study and Kitchen Table Meetings were conducted directly with impacted renters, homeowners, and business owners. Coordination is on-going.

37

Additional Information on Property Acquisition & Relocations



RELOCATION

YOUR RIGHTS AND BENEFITS AS A DISPLACED PERSON UNDER THE FEDERAL RELOCATION ASSISTANCE PROGRAM

SUS DERECHOS Y BENEFICIOS COMO PERSONA DESPLAZADA DE ACUERDO CON EL PROGRAMA FEDERAL DE ASISTENCIA PARA LA REUBICACIÓN



ACQUISITION

ACQUIRING REAL PROPERTY FOR FEDERAL AND FEDERAL-AID PROGRAMS AND PROJECTS

More information can be found at:

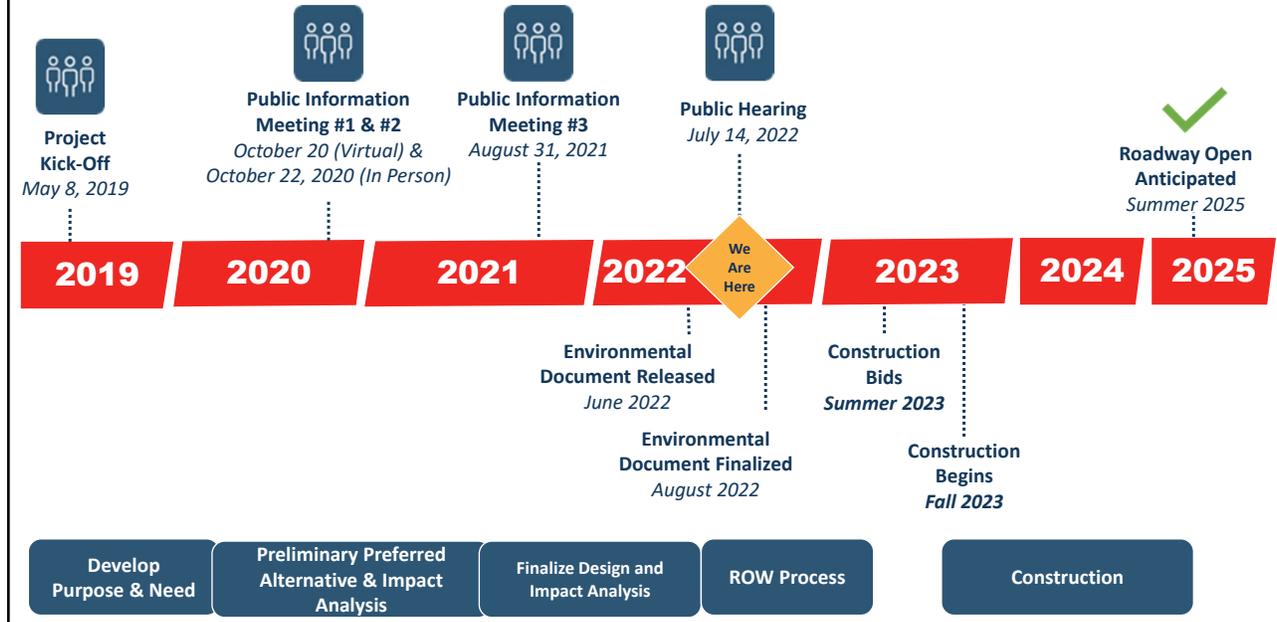
<https://www.in.gov/indot/projects/files/FHWA-Relocation-Brochure-GREEN.pdf>

<https://www.in.gov/indot/projects/files/FHWA-Relocation-Brochure-SPANISH.pdf>

<https://www.in.gov/indot/projects/files/FHWA-Acquisition-Brochure-BLUE.pdf>

38

Timeline/Next Steps



39

Submit Public Comments

Leave comment sheet or provide formal comment during the meeting or submit written comments via mail or email by July 31, 2022

Mail: Michael Baker International
3815 River Crossing Parkway, Suite 20
Indianapolis, IN 46240

Email: ElkhartLocalTrax@mbakerintl.com

Documents are also available to view at:

- Zion Missionary Church, 1135 E Hively Avenue Elkhart, IN 46517
- City of Elkhart Street Department, 2421 S. 17th St. Elkhart, IN 46516
- INDOT District Office, 5333 Hatfield Road, Fort Wayne, IN 46808
- City of Elkhart website: <https://elkhartindiana.org/events/hively-avenue-local-trax-project/>

40

Additional Information



www.elkhartindiana.org
www.indot.in.gov



[@CityOfElkhartIN](https://www.facebook.com/CityOfElkhartIN)
[@INDOTNortheast](https://www.facebook.com/INDOTNortheast)



[@CityofElkhartIN](https://twitter.com/CityofElkhartIN)
[@INDOTNortheast](https://twitter.com/INDOTNortheast)

41

Project Contact Representatives Information



Consultant Representative, Michael Baker International
Contact: Charles Boltz
Phone: 317-663-8430



Local Representative, City of Elkhart
Contact: Ryan Clussman
Office Phone: 574-293-2572, ext 2222



State Representative, INDOT
Contact: Jason Holder
Office Phone: 317-233-3427

42



THANK YOU!

Opportunity for Public Comment

Please State and Spell Your Name & Address

43



44



Public Hearing Sign-in Sheets

Hively Avenue Overpass Project
Public Hearing Sign in Sheet

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address	Do you live or is your Business in the Project Study Area? (Please put Yes or No)	Company/Email
Fred Redding	1916 E. Hively Ave		
Darlene Angel	5778 8th Street		
H. Brent Cress	2312 Hawthorne D.		
HENRY C ROBIN	2717 W AVE J		
Jim HARTER	821 E. Hively		
Margaret Reyes	2722 Main St		
PAVEL KARBARDIN	2727 Hammond Ave		
Zoe renecker	18625 CRES		
Adah Lynn	1002 E. Hively ⁴⁶⁵¹⁷		
VADIM KONSTANTINID	2527 Hammond Ave		
Jim & Sharon Taylor	2650 Morton Ave.		

Hively Avenue Overpass Project
Public Hearing Sign in Sheet

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address	Do you live or is your Business in the Project Study Area? (Please put Yes or No)	Company/Email
Jennifer Russell	1808 Dover St	Yes	[REDACTED]
Andrew Russell	1808 Dover St	Yes	
Rosina Foust	1301 E Hively Ave	Yes	
Jeff Klein	2618 Warren St.	yes	
+1 Miguel A Espinoza	2801 Warren St	yes	
Roger Mansfield	2301 Aurora Ave	yes	
Nick Mansfield	2301 Aurora Ave	yes	
Gayle Sotelo-Martin	1321 Hively	yes	
Shane Martin	1321 Hively	yes	
+1 Lois Martin +1	2632 Pleasant Pl.	yes	
RICHARD MADSEN	2612 STARK AVE.	Yes	
Barbara Madsen	2612 Stark Ave	Yes	
JANET & JEFF ULREY	2511 MORTON AVE	YES	
Rolanda Samples	1219 E. Hively Ave	Yes	

Hively Avenue Overpass Project
Public Hearing Sign in Sheet

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address	Do you live or is your Business in the Project Study Area? (Please put Yes or No)	Company/Email
Franklin Troyer	22117 C.R. 10 ELK, IN	No	My Son Lives on Monger
Kerry Yaw	1135 E. Hively Ave ELK	YES	
GREG JOHNSON	2726 S. Main	yes	
Jane & Stan Hunsberger	22927 Catalpa Ct Goshen	No	
Anthony MOORE	1801 E. HIVELY AVE	YES	
FRAN HUNTER	2403 S. MAIN	YES	
Roger Weaver	58095 Homer Ave	No	
Larry Rabe	24841 C.R. 22	Yes	
Lancey Shankle	2507 Warren St	yes	
Katy DAVIS	1215 E. Hively Ave	YES	
Mary Terry Sanders	2608 Monger Ave	YES	
Patty Yaw	63246 CR 111, Goshen IN	Yes	
Griffin Mote	2410 Grape Rd, Mishawaka, IN	No	
John Willott	1922 E. Hively	YES	

Hively Avenue Overpass Project
Public Hearing Sign in Sheet

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address	Do you live or is your Business in the Project Study Area? (Please put Yes or No)	Company/Email
Dean Newell	969 E Indiana Ave	Yes	
Jason Logsdon	1833 E Hively Ave	Yes	
DWIGHT FISH	1627 ELIZABETH ST		
RUSS + Angela Johnson	1315 E. Hively Ave		
Kay Heuse-Clark	418 S Main Elk	no	
WAYNE ERNEST	32411 G. R. 30 GASTON	No	
Joshua Amack	2819 Hammond Ave	Yes	
Jerry Willard	3241 Garden	Yes	
+ Angela Goldsmith	2700 S. Main St	Yes	
PAT + LINDA HARRINGTON	3229 Burr Oak	YES	
NORMAN + ZANZER ANDERSON	2715 Roosevelt Ave	Yes	
Loni Fischer	1916 Autumn Ridge	NO	
Tammy + Kris Tubbs	25353 CR 18	Yes	
TRIST FISHER	722 H Lane #	no	



Hively Avenue Overpass Project
SPEAKER SIGN-IN SHEET

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address
Russell E. Johnson	1315 E. Hively Ave.
GR Tammie Jubbs	25353 CR 18
TERRY J. JONES	2608 MONROE AVE
HENRY C. ROBINSON	2217 W. CANAL ST
Norman Anderson	2715 TRAVEL
FRANKLIN TROYER	22117 C.R. 10 ELKHART, IN 46514



Hively Avenue Overpass Project
Public Hearing Sign in Sheet

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address	Do you live or is your Business in the Project Study Area? (Please put Yes or No)	Company/Email
Ben Hoegghner	58931 Lindale Dr.	No	
J. Zoltan	54286 ADAMS 231W3 Circle	Yes	
PETE DE BONTÉ	3312-ID CLU	No, BUT I ATTEND ZION	
Gabriela Lora	2914 Garden Blvd.	No	
TORY DAWIN	1201 S. Wappanee St.		↑
Jason Simmick	"		City of Elkhart
Ryan Clussman	"		"
Ana Santiago	"		"
Paul Wunderlich	"		"



Hively Avenue Overpass Project
Public Hearing Sign in Sheet

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address	Do you live or is your Business in the Project Study Area? (Please put Yes or No)	Company/Email
Joe Quinones	1107 E Hively Av	YES	
Eva A wife of Robert	1823 E Hively Ave	Yes	
DAVE WADL	1702 E Hively	SOLD	
→ mail to "resident"			
LARRY TOWNSEND	8916 Minnie St		
Keith Penn	57561 7045	NO	



Hively Avenue Overpass Project
Public Hearing Sign in Sheet

Des. No. 1801933

Date: July 14, 2022, 5 p.m. EST

Location: Zion Missionary Church, Elkhart

Name (First and Last)	Address	Do you live or is your Business in the Project Study Area? (Please put Yes or No)	Company/Email
Fred Redding	1916 E. Hively Ave		
Darlene Angel	5778 8th Street		
H. Brent Cress	2312 Hawthorne D.		
HENRY C ROBIN	2917 W AEROS		
JIM HARTER	821 E. Hively		
Margaret Reyes	2722 Main St		
PAVEZ KARBARDIN	2727 Hammond Ave		
Zoe remester	25625 CRES		
Adah Lynn	1002 E. Hively ⁴⁶⁵¹⁷		
VADIM KONSTANTINID	2527 Hammond Ave		
Jim & Sharon Taylor	2650 Morton Ave.		

Members of Project Team in attendance

Matthew Witt			
Jason Holder			
Hunter			
Britt			
Karen Wood	SUCS		
Wendy			
Laura			
Charles			
Matthew			
Erin			
Joe Gromosky			
Jim Deahl			
Mary Jo			



Public Hearing Transcript

1 City of Elkhart Indiana Public Works and Utilities
2 hearing for the Hively Avenue Overpass
3 Project.

4
5

6 Date: Thursday, July 14, 2022

7 Time: 5:00 P.M.

8 Place: Zion Missionary Church

9 1135 E Hively Ave

10 Elkhart, IN 46516

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24 Before Ann S. Hunsberger, Court Reporter

25 Notary Public, Elkhart County, Indiana

1 THURSDAY, JULY 14, 2022

2 MR. FISH: My name is Dwight
3 Fish. I live at 1627 Elizabeth
4 Street in Elkhart, Indiana. And I'm
5 the Fourth District City Councilman
6 in the City of Elkhart; and the
7 Hively overpass is directly in my
8 district.

9 And I'd like to tell whoever is
10 listening that I am positive toward
11 the project. I would like to see it
12 go forward. I'd like to see a
13 bigger crowd here that can learn
14 about it and would want to learn
15 about it. But I think it's going to
16 be, number one, safety -- an
17 expression of safety toward the
18 citizens and also a business boom.

19 We may be taking out
20 businesses, but I believe it's going
21 to allow us to have safer traffic
22 flow through this immediate
23 neighborhood and in and out of the
24 neighborhoods as well as benefiting
25 the businesses that are to the west,

1 southeast, and north.

2 It will control truck traffic a
3 lot better. It will cut down on
4 dangerous railroad crossings both at
5 Hively and then in the future Lusher
6 Avenue, and I believe that it will
7 be overall a very good project that
8 can benefit the community.

9 MR. KLEIN: My name is Jeff
10 Klein. I live on 2618 Warren
11 Street, and my view of your map for
12 the construction of the overpass on
13 South Warren Street you are buying
14 properties to the west and on North
15 Warren Street. You're buying
16 properties on east and the west side
17 of Warren and going to curve each
18 side of Warren to meet, and there
19 will be a light positioned in that
20 area.

21 My opinion is leave South
22 Warren Street straight, don't curve
23 it. Maybe radius it a little, and
24 North Warren Street would be
25 straight across from south and go

1 through the property you're buying
2 and the next two, three city lots
3 and gradually curve it back to old
4 Warren Street which will make the
5 business down North Warren Street
6 happy because you have heavy
7 semi-traffic on that road and by,
8 what I understand, North Warren
9 Street is not going to be a truck
10 route.

11 So South Warren will be a truck
12 route. And with the radiuses of
13 North and South Warren trying to be
14 aligned, North Warren -- the truck
15 drivers will not be able to go down
16 that route because it's not marked a
17 truck route. They're going to have
18 to make a lot more driving for the
19 truckers and the trash trucks and
20 the city.

21 So I, in my opinion, think they
22 need to leave South Warren the way
23 it is. The property they bought on
24 North Warren plus the next three
25 lots to purchase to make North

1 Warren truck semi accessible and not
2 cause the headache for any of the
3 traffic and semi driving companies.

4 MR. JOHNSON: All right. Some
5 of you guys know me here, but there
6 are a lot of people that I don't.
7 I've been here for 22 years. I live
8 right here on (inaudible) will be
9 one of the 22.

10 As all of you see, these train
11 tracks are constantly blocking
12 traffic. It's hard for a lot of us
13 to just get out our driveways. I
14 know that this is going to affect a
15 lot of people in a lot of different
16 ways whether it's economically,
17 financially, or just emotionally
18 just leaving a place that you've
19 been at for -- for all these years,
20 but we have to look at what it's
21 doing for the better or the good of
22 this town.

23 It's needed a crossway across
24 these tracks for years, and I'm just
25 glad they're finally getting

1 something done with it, you know. I
2 realize that there's a lot of
3 questions out there, but go into
4 this with an open mind and listen to
5 these people. They got a lot of
6 good information. If you have a
7 question, ask them. They have been
8 more than accommodating. Any
9 question that I have had, they've
10 been able to answer it. If they
11 haven't, they will get back with
12 you, and they're not bullshitting
13 you around. They are doing a good
14 job, and they're really out there to
15 help us coordinate and get through
16 this as best we can.

17 So the biggest thing is I want
18 everybody to go into this with an
19 open mind and not look at it as me,
20 me, me. This whole world is
21 about -- everything is about me. We
22 all need to make some sacrifices in
23 this world, and this is going to be
24 one of them for some of us.

25 Some of us are fine with moving

1 out. I've been there for 22 years.
2 I'm fine with it. My wife is not.
3 You know, she's got to pack up the
4 house and move all my stuff. I have
5 to get rid of some stuff, and I'm
6 not real happy about that, but
7 there's give and take for
8 everything.

9 We all need to go into this
10 with an open mind, and I know that
11 they can address a lot of the issues
12 that were across the tracks.
13 Hammond Avenue -- there's a lot of
14 businesses over there, and they can
15 address those, and that's what these
16 meetings are all about. Speak up.
17 And if you don't, it's your own
18 fault; but there's comment cards out
19 there for us to use. Use them.
20 That all I have.

21 MS. TUBBS: We live in the
22 first house (indiscernible). So we
23 have (indiscernible) which is going
24 to be after Warren Street which I
25 just found out now there's going to

1 not be a stoplight at Warren Street.

2 Okay. Originally it was talked
3 about that a roundabout was going to
4 be put in there which was fine.

5 That's great because that's going to
6 control the traffic, keep people
7 going slower, and they're taking
8 stoplights out all over the place to
9 put in roundabouts. So now we have
10 a stoplight, okay.

11 I'm all for doing what you got
12 to do; but, look, people, I never
13 had a problem before. I didn't have
14 traffic stopped in front of my
15 house. Not at all. The houses that
16 had the traffic stopped in front of
17 it were further up the road where
18 the train was.

19 So they've considerately and
20 nicely shut the traffic down to us
21 now with a stoplight. We are now
22 going to have stopped traffic in
23 front of our house. Not to mention
24 all kinds of semis going past our
25 house on County Road 18 way more

1 than what we had before.

2 So I think that stoplight is a
3 very bad mistake. I don't know what
4 the reasoning behind it is, and I
5 think it needs to be reconsidered.

6 Okay. Thank you.

7 MR. SANDERS: Hi. I'm Terri
8 Sanders. I live over here on Monger
9 Avenue, and I was just wondering why
10 there wasn't an option of putting an
11 exit on the 20 Bypass when -- down
12 to Hammond Avenue left and right
13 because then you have all your
14 (indiscernible) traffic and
15 everybody on the freeway knows it,
16 and we leave everything right here
17 where it needed to be. That's all I
18 have to say.

19 MR. ROBINSON: I live on 2717
20 Warren Street. My grandmother built
21 that house. She built the other
22 house behind that house. We haven't
23 had no traffic coming down through
24 that as long as I remember. Right
25 now they're talking about putting

1 trucks, semis. It's not doing us no
2 more better than what's going on
3 with the train because there's too
4 much -- a lot of people live over in
5 that area, and kids are running
6 around out there. They got families
7 over there.

8 I don't feel it's right for
9 18-wheeler trucks to be coming down
10 there all time of the night and all
11 time during the day just because
12 you're putting a bypass over there.
13 That's cool with the bypass, but why
14 are you coming in my neighborhood?
15 And I don't see it like that because
16 it's been quiet over there. No
17 problems over there. With all the
18 traffic -- and I don't want nobody
19 driving their car in my living room.

20 And if you took the house on
21 the side of the street right
22 there -- you should took all of them
23 back there if you're going to make a
24 big roundabout. I don't see this
25 being fair to anybody over there

1 because you're making a whole
2 different changes for everybody. I
3 just don't agree with it, but it
4 look like I don't have no choice but
5 to agree with it because you already
6 said you're doing it. Thank you
7 very much.

8 MR. ANDERSON: My name is
9 Norman Anderson. I just moved into
10 this neighborhood, this area. I
11 bought a beautiful home, and I am
12 now stuck with this problem, and I
13 think that this problem is -- what's
14 going to happen to the homes around
15 there as far as the heavy earth
16 equipment that may be vibrating most
17 of these homes off their
18 foundations?

19 I work with the City of
20 Elkhart. I've been around heavy
21 equipment, and I know what kind of
22 problems they can cause. May not be
23 now, but it sure will happen later
24 on. Maybe two or three years down
25 the line the foundation starts to

1 crack in my home. I need an answer
2 as far as how are you guys to going
3 to cover this. Thank you.

4 MR. TROYER: My name is
5 Franklin Troyer. I've lived in
6 Elkhart over 50 years. I've
7 witnessed a lot of stuff, okay. But
8 one thing that (indiscernible) for
9 the commercial accounts for a while
10 which is the Lusher Crossing.

11 I had heard that, at least what
12 I seen, they're going to close that
13 crossing, and (indiscernible) this
14 one of the councilman. I don't
15 understand. What I was able to
16 witness over five years, that's a
17 major link to the businesses on
18 Sterling and (indiscernible). I
19 traveled these roads every day
20 religiously for five years
21 delivering parts to (indiscernible)
22 that we have accounts.

23 There is a lot of business on
24 the west -- on the east side of
25 Sterling, and what I don't

1 understand -- and I was going to ask
2 the question. This is the question
3 the engineers because
4 (indiscernible) you pointed out -- I
5 think it's 17 million from the
6 state, 13 local, and you didn't
7 point out anything (indiscernible)
8 the railroad.

9 Now, this does benefit the
10 railroad because it's expenses
11 (indiscernible) because of the
12 trucks.

13 Now, here's (indiscernible)
14 US-20 (indiscernible) has always, as
15 long as I lived there before the
16 bypass was Lusher. That was always
17 the U.S. I don't know why we don't
18 have some federal money
19 (indiscernible) somewhere or
20 somewhat. But my question is why is
21 it going to be the official truck
22 route? Official truck route.

23 We got federal money, we got
24 state money, and we got local money,
25 and they're going to shut down, the

1 way I understand, the crossing at
2 Lusher.

3 Now, obviously we've been
4 addressing that all these trucks
5 (indiscernible). That's going to be
6 a problem. What I witnessed in five
7 years is a lot of traffic and
8 trucks, and I don't quite understand
9 yet. The question I have for
10 someone -- how much money is the
11 railroad contributing
12 (indiscernible) and what is the
13 official truck route? Is it Bypass
14 20, or is it Old 20 Lusher?

15 Because if you close Lusher
16 Crossing, there is no truck route as
17 long as I can remember. Over 50
18 years I've worked here and donated a
19 lot of time, served on a lot of
20 committees, played a lot of -- how
21 would you say it -- representative
22 roles. I worked at Miles
23 Laboratory, Bayer Corporation for
24 6 1/2 years. All I know is that has
25 to be addressed.

1 What is the official --
2
3 official -- I'm talking about
4
5 federal, state, and local truck
6
7 route (indiscernible). Thank you.
8
9 (Which concluded the public hearing at
10
11 6:55 P.M.)

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13 * * *
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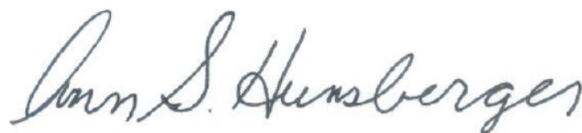
CERTIFICATE

I, Ann S. Hunsberger, a Notary Public, in and for the County of Elkhart and State of Indiana, hereby certify:

I certify that on Thursday, July 14, 2022, I then and there reported stenographically the proceedings at the said time and place; that the proceedings were then transcribed from my original shorthand notes; and that the foregoing typewritten transcript is a true and correct record thereof;

I am not an interested directly or indirectly in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal this 29th day of July, 2022.



Ann S. Hunsberger

Notary Public, State Of Indiana

Residence: Elkhart

My Commission Expires: February 9, 2025



Public Hearing Public Comment Response Table



Hively Avenue Overpass Project

Public Hearing

Comment and Response

Date & Method Received	Public Outreach	Name/Organization of Commenter, if known	Comment	Response
7/14/2022	Public Hearing: Comment to Court Reporter	Dwight Fish	<p>My name is Dwight Fish. I live at 1627 Elizabeth Street in Elkhart, Indiana. And I'm the Fourth District City Councilman in the City of Elkhart; and the Hively overpass is directly in my district. And I'd like to tell whoever is listening that I am positive toward the project. I would like to see it go forward.</p> <p>I'd like to see a bigger crowd here that can learn about it and would want to learn about it. But I think it's going to be, number one, safety -- an expression of safety toward the citizens and also a business boom. We may be taking out businesses, but I believe it's going to allow us to have safer traffic flow through this immediate neighborhood and in and out of the neighborhoods as well as benefiting the businesses that are to the west, southeast, and north. It will control truck traffic a lot better. It will cut down on dangerous railroad crossings both at Hively and then in the future Lusher Avenue, and I</p>	Thank you, Mr. Fish. Your statements have been noted for the record.



Date & Method Received	Public Outreach	Name/Organization of Commenter, if known	Comment	Response
			believe that it will be overall a very good project that can benefit the community.	
7/14/2022	Public Hearing: Comment to Court Reporter	Jeff Klein	<p>I live on 2618 Warren Street, and my view of your map for the construction of the overpass on South Warren Street you are buying properties to the west and on North Warren Street. You're buying properties on east and the west side of Warren and going to curve each side of Warren to meet, and there will be a light positioned in that area.</p> <p>My opinion is leave South Warren Street straight, don't curve it. Maybe radius it a little, and North Warren Street would be straight across from south and go through the property you're buying and the next two, three city lots and gradually curve it back to old Warren Street which will make the business down North Warren Street happy because you have heavy semi-traffic on that road and by, what I understand, North Warren Street is not going to be a truck route. So South Warren will be a truck route. And with the radiuses of North and South Warren trying to be aligned, North Warren -- the truck drivers will not be able to go down that route because it's not marked a truck route. They're going to have to make a lot</p>	<p>Mr. Klein, thank you for your comments regarding south Warren Street. The Warren Street alignment you described at the Hively Avenue intersection was considered during design; however, it was determined it would increase property impacts and construction costs.</p> <p>If Warren Street south of Hively Avenue remained on the current alignment, additional land acquisition would still be required from the residence in the southeast corner of the intersection to provide a large radius for truck turning movements.</p>



Date & Method Received	Public Outreach	Name/Organization of Commenter, if known	Comment	Response
			<p>more driving for the truckers and the trash trucks and the city.</p> <p>So I, in my opinion, think they need to leave South Warren the way it is. The property they bought on North Warren plus the next three lots to purchase to make North Warren truck semi accessible and not cause the headache for any of the traffic and semi driving companies.</p>	
7/14/2022	Public Hearing: Public Statement	Russell Johnson	<p>All right. Some of you guys know me here, but there are a lot of people that I don't. I've been here for 22 years. I live right here on (inaudible) will be one of the 22. As all of you see, these train tracks are constantly blocking traffic. It's hard for a lot of us to just get out our driveways. I know that this is going to affect a lot of people in a lot of different ways whether it's economically, financially, or just emotionally just leaving a place that you've been at for -- for all these years, but we have to look at what it's doing for the better or the good of this town. It's needed a crossway across these tracks for years, and I'm just glad they're finally getting something done with it, you know.</p> <p>I realize that there's a lot of questions out there but go into this with an open mind and</p>	Thank you, Mr. Johnson. Your statements are noted for the record.



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			<p>listen to these people. They got a lot of good information. If you have a question, ask them. They have been more than accommodating. Any question that I have had, they've been able to answer it. If they haven't, they will get back with you, and they're not bullshitting you around. They are doing a good job, and they're really out there to help us coordinate and get through this as best we can. So the biggest thing is I want everybody to go into this with an open mind and not look at it as me, me, me. This whole world is about -- everything is about me. We all need to make some sacrifices in this world, and this is going to be one of them for some of us. Some of us are fine with moving out.</p> <p>I've been there for 22 years. I'm fine with it. My wife is not. You know, she's got to pack up the house and move all my stuff. I have to get rid of some stuff, and I'm not real happy about that, but there's give and take for everything. We all need to go into this with an open mind, and I know that they can address a lot of the issues that were across the tracks. Hammond Avenue -- there's a lot of businesses over there, and they can address those, and that's what these meetings are all about. Speak up. And if you</p>	



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			<p>don't, it's your own fault; but there's comment cards out there for us to use. Use them. That all I have.</p>	
7/14/2022	Public Hearing: Public Statement	Tammy Tubbs	<p>We live in the first house (indiscernible). So we have (indiscernible) which is going to be after Warren Street which I just found out now there's going to not be a stoplight at Warren Street. Okay. Originally it was talked about that a roundabout was going to be put in there which was fine. That's great because that's going to control the traffic, keep people going slower, and they're taking stoplights out all over the place to put in roundabouts.</p> <p>So now we have a stoplight, okay. I'm all for doing what you got to do; but, look, people, I never had a problem before. I didn't have traffic stopped in front of my house. Not at all. The houses that had the traffic stopped in front of it were further up the road where the train was. So they've considerately and nicely shut the traffic down to us now with a stoplight. We are now going to have stopped traffic in front of our house. Not to mention all kinds of semis going past our house on County Road 18 way more than what we had before. So I think that stoplight is a very bad mistake. I don't know what the reasoning</p>	<p>Ms. Tubbs, thank you for your comments. The project team has reviewed and considered your comment regarding the proposed traffic signal for the new intersection of Warren Street and Hively Avenue. Based on feedback received at the Public Information Meeting in October 2020, project engineers took another look at the design and how truck movements were facilitated. It was determined that additional improvements to south Warren Street were required to better accommodate truck movements to and from Hammond Ave and Sterling Avenue and Hively Ave and that the intersection would require signalization. The proposed signalized intersection at Hively Avenue and South Warren was presented at the August 2021 Public Information Meeting; all of those meeting materials are also located on the City of Elkhart's website: City of Elkhart Posted Truck Routes - City of Elkhart (elkhartindiana.org). The project team has not considered or proposed a roundabout at this location or any of the other intersections associated with the project.</p> <p>Implementation of the new signal will have limited queuing time and the city will make adjustments over time to ensure queuing at the intersection is efficient for both the traveling public and the neighborhood.</p>



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			behind it is, and I think it needs to be reconsidered. Okay. Thank you.	
7/14/2022	Public Hearing: Public Statement	Terry Sanders	I live over here on Monger Avenue, and I was just wondering why there wasn't an option of putting an exit on the 20 Bypass when -- down to Hammond Avenue left and right because then you have all your (indiscernible) traffic and everybody on the freeway knows it, and we leave everything right here where it needed to be. That's all I have to say.	Thank you for your comment, Mr. Sanders. The project is a City of Elkhart project with the focus on local streets. The purpose is to improve mobility and safety while maintaining access and connectivity for all modes of transportation on local streets. Using US 20 as the grade separation would not achieve the goals of the project and does not meet the purpose and need. In addition, an interchange would have significant impacts. Therefore US 20 was not reviewed or evaluated as part of this project.
7/14/2022	Public Hearing: Public Statement	Henry Robinson	I live on 2717 Warren Street. My grandmother built that house. She built the other house behind that house. We haven't had no traffic coming down through that as long as I remember. Right now they're talking about putting trucks, semis. It's not doing us no more better than what's going on with the train because there's too much -- a lot of people live over in that area, and kids are running around out there. They got families over there. I don't feel it's right for 18-wheeler trucks to be coming down there all time of the night and all time during the day just because you're putting a bypass over there. That's cool with the bypass, but why are you coming in my neighborhood? And I don't see it like that because it's been quiet over there. No problems over there. With all	Mr. Robinson, your statement, and concerns have been noted for the record. Based on feedback received at the Public Information Meeting in October 2020, project engineers took another look at the design and how truck movements were facilitated. It was determined that additional improvements to south Warren Street were required to better accommodate truck movements to and from Hammond Ave and Sterling Avenue and Hively Ave and that the intersection would require signalization. The posted speed limit on Warran Street will be 25 mph. The use of south Warren as a truck route is necessary to accommodate the new bridge and traffic/travel pattern.



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			<p>the traffic -- and I don't want nobody driving their car in my living room. And if you took the house on the side of the street right there -- you should took all of them back there if you're going to make a big roundabout. I don't see this being fair to anybody over there because you're making a whole different changes for everybody. I just don't agree with it, but it look like I don't have no choice but to agree with it because you already said you're doing it. Thank you very much.</p>	
7/14/2022	Public Hearing: Public Statement & Written Comment	Norman Anderson	<p>Verbal: I just moved into this neighborhood, this area. I bought a beautiful home, and I am now stuck with this problem, and I think that this problem is -- what's going to happen to the homes around there as far as the heavy earth equipment that may be vibrating most of these homes off their foundations? I work with the City of Elkhart. I've been around heavy equipment, and I know what kind of problems they can cause. May not be now, but it sure will happen later on. Maybe two or three years down the line the foundation starts to crack in my home. I need an answer as far as how are you guys to going to cover this. Thank you.</p>	<p>Thank you, Mr. Anderson. Your statement, written comments, and concerns are noted for the record.</p> <p>During the construction phase of the project there will be temporary increases in noise and vibration associated with equipment and activities related to building demolitions and site clearance, earth moving activities including grading and soil tamping, pile driving for bridge and structure foundations, and general roadway, drainage, sidewalk, and multiple use path construction and reconstruction that requires compaction and pavement rolling. The project will include upgraded utilities but prolonged disruption of utilities and wifi signals is not anticipated. There will be temporary changes in traffic patterns referred to as Maintenance of Traffic (MOT) as</p>



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			<p>Written: My concern is the damage to my home’s foundation due to the heavy earth equipment being used and staged near my home. The disruption of utilities, wifi signals, and traffic.</p>	<p>described in the environmental document and in the public hearing presentation materials.</p> <p>Regarding your concerns about vibration and potential impacts to your home’s foundation, the project team is reviewing the proposed construction phasing and potential vibration intensity to determine if additional measures can be taken to reduce this concern.</p> <p>INDOT’s standard operating procedures for construction to address temporary noise and vibration associated with construction activities is to ensure compliance with local jurisdiction policies and procedures. Each project is assessed on a case-by-case basis and individual plans and processes are established to address the specific needs of each project. However, additional more specific measures may be required to address your concerns given the context and nature of the construction activities associated with the Hively Overpass project. The project team is assessing the potential need for limited pre-construction and post-construction condition assessments for residential and community-related properties immediately adjacent to the most intense construction activities. Any additional environmental commitments will be included in the Finding of No Significant Impact (FONSI) and Associated Documentation.</p> <p>Construction staging is not anticipated to occur near your home due to the residential nature of the street and the</p>



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				<p>lack of available and appropriate land for such activities. However, construction staging areas for the project have not been formally identified; it will be the responsibility of the contractor to procure the appropriate location(s). Additional information will be forthcoming as the project moves into construction. The City of Elkhart can provide project updates to constituents as the project develops.</p>
7/14/2022	Public Hearing: Public Statement	Franklin Troyer	<p>My name is Franklin Troyer. I've lived in Elkhart over 50 years. I've witnessed a lot of stuff, okay. But one thing that (indiscernible) for the commercial accounts for a while which is the Lusher Crossing. I had heard that, at least what I seen, they're going to close that crossing, and (indiscernible) this one of the councilman. I don't understand. What I was able to witness over five years, that's a major link to the businesses on Sterling and (indiscernible). I traveled these roads every day religiously for five years delivering parts to (indiscernible) that we have accounts. There is a lot of business on the west -- on the east side of Sterling, and what I don't understand -- and I was going to ask the question. This is the question the engineers because (indiscernible) you pointed out -- I think it's 17 million from the state, 13 local, and you didn't point out anything (indiscernible) the railroad. Now, this does</p>	<p>Thank you, Mr. Troyer. Your statement, and concerns are noted for the record.</p> <ol style="list-style-type: none"> 1) The INDOT Local Trax Grant Program required that project applicants identify one railroad crossing to be closed as part of the application process. The primary purpose of this requirement is for safety, to reduce the probability for accidents. The City of Elkhart proposed the Lusher Road RR Crossing location for closure. That action will be executed via the City's local process after the Hively Avenue Overpass is constructed and opened to traffic (anticipated in mid-2025). 2) The railroad, in this case, Norfolk Southern, is required by law (federal and state) to contribute financially to the project. IC 8-6-3 Chapter 3: Division of Costs of Improvements to Railroad Grade Separations provides the statutory requirements. Sec. 1. (a) Whenever the separation of grades at the intersection of a railroad or



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			<p>benefit the railroad because it's expenses (indiscernible) because of the trucks. Now, here's (indiscernible) US-20 (indiscernible) has always, as long as I lived there before the bypass was Lusher. That was always the U.S. I don't know why we don't have some federal money (indiscernible) somewhere or somewhat. But my question is why is it going to be the official truck route? Official truck route. We got federal money, we got state money, and we got local money, and they're going to shut down, the way I understand, the crossing at Lusher.</p> <p>Now, obviously we've been addressing that all these trucks (indiscernible). That's going to be a problem. What I witnessed in five years is a lot of traffic and trucks, and I don't quite understand yet. The question I have for someone -- how much money is the railroad contributing (indiscernible) and what is the official truck route? Is it Bypass 20, or is it Old 20 Lusher? Because if you close Lusher Crossing, there is no truck route as long as I can remember. Over 50 years I've worked here and donated a lot of time, served on a lot of committees, played a lot of -- how would you say it -- representative roles. I worked at Miles Laboratory, Bayer</p>	<p>railroads (as defined in IC 8-3-1-2) and a public street or highway is constructed, the railroad or railroads shall pay five (5) percent of the cost of the grade separation as provided in this chapter. The project team is working with Norfolk Southern to determine the final railroad cost contribution based on the approved design plans.</p> <p>3) Your concerns about US 20 have been relayed to city engineering staff at the City of Elkhart for further consideration. The project is a City of Elkhart project with the focus on local streets. The purpose is to improve mobility and safety while maintaining access and connectivity for all modes of transportation on local streets. Using US 20 as the grade separation would not achieve the goals of the project and does not meet the purpose and need. In addition, an interchange would have significant impacts. Therefore US 20 was not reviewed or evaluated as part of this project.</p> <p>4) The current official truck route for the City of Elkhart is provided here and is also available on the City's website located here: City of Elkhart Posted Truck Routes - City of Elkhart (elkhartindiana.org). The project team has addressed truck related traffic and turning movements, including specific design requirements associated with the preferred</p>



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			<p>Corporation for 6 1/2 years. All I know is that has to be addressed. What is the official -- official -- I'm talking about federal, state, and local truck route (indiscernible). Thank you.</p>	<p>alternative. The low volume of traffic to be rerouted as part of the Lusher Avenue RR Crossing closure will be addressed by the city during the local closure process. The existing truck routes already accommodate the changes at Hively and closure of Lusher as both Main Street and Sterling are already designated routes, as are Hively and Indiana.</p>
7/14/2022	Public Hearing: Comment Form	Larry Shank	<p>During the open mic, a roundabout was discussed in the area from Warren to Minnie to Lowell. That would be a hardship for my buildings. I have a tenant who builds modular offices, mainly for hospitals. These buildings are large, have concrete floors and weigh up to 90,000. They require deliveries from full semis two to three times a day, and they back those semis into place. These can be up to 105-feet long. They've been exiting the building and turning north by the Environmental Center. We've had police called about that in the past. There is a nice radius at Warren and Hammond, which would de-escalate traffic. There is a small area on the map that looks like a triangle at Yuma (Warren/Sterling/Yuma). If you could bring your proposed right of way line north a little bit, it would help with the turning radii</p>	<p>Thank you, Mr. Shank. Your comments, and concerns are included for the record.</p> <ol style="list-style-type: none"> 1) The project team has not considered or proposed a roundabout design for any of the intersection locations. However, we are proposing intersection improvements to support the overall design. 2) The project team is taking another look at the design relative to your suggestion regarding the turn radius at Warren/Sterling/Yuma to ensure the 105ft trucks you mentioned can be accommodated accordingly. Thank you for bringing this to our attention.



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			for the trailers. Also, thank you for the 20-foot clearance on the bridges.	
7/16/2022	Public Hearing: Email Received via the project e-mail address	Terry Sanders	<p>Our family attended this meeting. Before it started, I asked about the road lane reduction projects, that they had done on Hively and MAIN St and the long waiting time at the lights and side streets. I was told that they had done studies and their was no indication of any traffic problems. That answer, made me realize that this was a dog and pony show and made me question the amount of real traffic time studies they had done.</p> <p>The meeting started with a PowerPoint presentation on the overpass project. they showed the options of four route choices. I didn't see the option of placing entrance and exit ramps on the 20 bypass, eliminating the need for this 30 Million Dollar Project! There was mention or the businesses, that would have to be relocated but the city decided to keep the Hispanic store and build around it. They were proud of that! I noticed that there were no Hispanics attending the meeting. I also noticed that the local media didn't attend. The Railroad didn't attend either. They should be footing some of the bill, on this project. I wonder if these people realize that most of us from this neighborhood can't</p>	<p>Mr. Sanders, thank you for your e-mail comment in addition to your statements made during the public hearing. Your concern and statements are noted for the public record.</p> <ol style="list-style-type: none"> 1) The project study team did not review or evaluate any improvements to the US 20 bypass. 2) The project is needed to address traffic congestion, lack of mobility, and safety concerns at the at-grade crossing of East Hively Avenue and the Norfolk Southern railroad where approximately 6,000 vehicle a day cross the railroad tracks that carry 70-100 trains per day. 3) The purpose of the project is to improve mobility and safety within the project area by eliminating vehicle back-ups and congestion at the railroad crossing, while maintaining, as much as possible, access and connectivity. This includes bicyclists and pedestrians. 4) The Hispanic grocery store, El Rosal, is an important community resource that was previous relocated by a different transportation project. Yes, the preferred alternative avoids the grocery store and the overall transportation improvements associated with the project will improve walkability to the store and parking.



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			<p>fill our gas tanks or buy groceries and there spending our money on roads were not driving on. What will the city tax increase do to out budgets? They will close the Lusher street crossing at Main. I thought that was a truck route? Looks like Hively st will have some big truck activity. Monger Elementary better watch out for there kids. Remember BUILD BACK BETTER when you vote Elkhart!</p>	<p>5) The project team has assessed traffic, including truck movements associated with Hively Avenue and Hammond/Sterling, and Main Street. The preferred alternative addresses all the mobility needs of the project area.</p> <p>6) The project study team has coordinated directly with Monger Elementary School regarding the design of the roadway, sidewalk improvements, and overall functionality during and after construction. The sidewalk in the vicinity of the school has been widened at the school's request and school leadership has been fully briefed on the project. The project will improve walkability within a 1-mile radius of the school.</p>
7/23/2022	Public Hearing: Email	Franklin Troyer	<p>I had the opportunity over 60 years living and working in Elkhart to witness the Truck Traffic on what was always Elkhart City Truck Route. With the closing of the Lusher/Sterling Railway Crossing I see major problems for the Residents of South Main and Eastern Hively. With this closing the Trucks need to go some where to get across the tracks. This is a working crossing controlled by the Railroad and by which I believe the Federal Government subsidizes with our Tax Dollar's. This closing will be a future nightmare for Businesses and Residents. I suggest to leave this crossing alone and look at the traffic affects when the Hively Project is complete at</p>	<p>Mr. Troyer, your comments, and statements are included in the project record. The existing truck routes already accommodate the changes at Hively and closure of Lusher as both Main Street and Sterling are already designated routes, as are Hively and Indiana. The current official truck route for the City of Elkhart is provided here and is also available on the City's website located here: City of Elkhart Posted Truck Routes - City of Elkhart (elkhartindiana.org).</p>



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			no additional cost toward the Hively Crossing Project. Franklin Troyer Thanks [Sent from my iPhone]	
7/25/2022	Public Hearing: 3 Emails & 1 Mailed Comment Form	Franklin Troyer	<p>To whom this may concern: My name is Franklin Troyer and worked for various business in the City of Elkhart for around 58 years. I, Franklin Troyer attended the last two presentations of the “Elkhart City Hively Avenue Overhead Railroad Project”. On Thursday July 14th, 2022 at the Zion Missionary Church, I asked the following questions:</p> <p>No. 1 What is the official TRUCK Route for the City of Elkhart? No. 2 How much is Norfolk Southern Railroad contributing to the Hively Avenue Overpass Project?</p> <p>To this day 7-25-2022 no-one involved with this project has given me an answer. In both presentation the closing of the Lusher/Sterling Railroad Crossing is part of this project. I believe the closing of the Lusher/Sterling crossing will be a major mistake. The Lusher/Sterling crossing has been the truck route of the City of Elkhart as long as I can remember, now called Old U.S. 20 and Old U.S. 33 and today is posted go</p>	<p>Mr. Troyer, your comments, and statements are included in the project record.</p> <ol style="list-style-type: none"> 1) The current official truck route for the City of Elkhart is provided here and is also available on the City’s website located here: City of Elkhart Posted Truck Routes - City of Elkhart (elkhartindiana.org). The existing truck routes already accommodate the changes at Hively and closure of Lusher as both Main Street and Sterling are already designated routes, as are Hively and Indiana. 2) The railroad, in this case, Norfolk Southern, is required by law (federal and state) to contribute financially to the project. IC 8-6-3 Chapter 3: Division of Costs of Improvements to Railroad Grade Separations provides the statutory requirements. Sec. 1. (a) Whenever the separation of grades at the intersection of a railroad or railroads (as defined in IC 8-3-1-2) and a public street or highway is constructed, the railroad or



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			<p>north on south main street to E. Indiana Ave underpass or cross at Sterling Crossing and head North to Indiana Ave. or old U.S. 20. I fail to understand why the “Lusher/Sterling Crossing” has anything to do with the “Hively Overpass Project” other then save money for Norfolk Railroad. Can someone explain to me the Rational for the closing the “Lusher/Sterling Crossing”. All of this traffic needs to go somewhere.</p> <p>I worked for O’Reilly Auto Parts for around 5 years as a commercial delivery person and witnessed the flow and volume of TRUCKS using this crossing during this period. If the TRUCKS go North on South Main or South on the new South Main. All the residents in these areas will be affected. It will be a mess. Forced to go to the New Roosevelt entrees or New Warren Street entrees. No one gains from the Closing of LUSHER/STERLING Crossing closures other than Norfolk Railroad.</p> <p>I personally was involved as a Representative of the Residents affected by the rerouting of County Road 10 East, because of the replacement of the old bridge across the Saint Joseph River on County Road 17. Almost all the residents wanted a different routing</p>	<p>railroads shall pay five (5) percent of the cost of the grade separation as provided in this chapter. The project team is working with Norfolk Southern to determine the final railroad cost contribution based on the approved design plans.</p> <p>3) The INDOT Local Trax Grant Program required that project applicants propose at least one railroad crossing closure be identified as part of the application process. The primary purpose of this requirement is for safety, to reduce the probability for accidents. The City of Elkhart proposed the Lusher Road RR Crossing location for closure. That action will be executed via the City’s local process after the Hively Avenue Overpass is constructed and opened to traffic (anticipated in mid-2025).</p>



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			<p>then what the County Commissioners decided. There decision was made by who owned the LAND as investor's instead of what was good for the community. The new routing today is a JOKE and has a road to no where owned by the First Baptist Church. This proposal to close the LUSHER/STERLING Crossing reminds me of what happened to the residents that lived in the area of the rerouting of County 10 East. I suggest leaving this crossing open until you have more data on the flow of how the traffic flow martializes after the "Hively Avenue Overpass" is complete then take a look at how the TRUCK TRAFFIC FLOWS !! Thanks for your time.</p>	